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STATE OF NEW YORK.

No. 33.

New York (State) Legislature. Assembly

IN ASSEMBLY,

January 28, 1876.

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REPORT

OF THE COMMITTEE OF INVESTIGATION INTO THE AFFAIRS OF THE COMMISSIONERS OF EMIGRATION AND QUARANTINE.

To the Honorable the Assembly of the State of New York:

Pursuant to the terms of the following resolution, adopted by the assembly of 1875:

"*Resolved*, That a committee of five be appointed by the speaker, to investigate the affairs of the commissioners of quarantine and health officer, and also the affairs of the commissioners of emigration, particularly as to all appropriations made, and the expenditures thereof, the number of officers employed, and the annual salaries paid, and to investigate all and every matter and thing, in anywise pertaining to the quarantine establishment, or Castle Garden, and the management thereof, and report to the next legislature."

Said committee shall have power to sit during the recess of the legislature; to employ counsel when necessary; also a stenographer, who shall act as the clerk of said committee; with power to send to persons and papers.

The committee appointed thereby proceeded to the investigation of the affairs referred to in said resolution, and have the honor respectfully to submit the following Report:

Emigration Commission.

The importance of preserving and fostering this commission, cannot be over-estimated. The facilities for information, and the protec-

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tion and care given to immigrants, from the evidence taken before us, lead us to the conclusion that the legislature cannot bestow its favorable attention upon any state department with more beneficial results than upon the commission in question.

The present scheme of protecting and caring for immigrants originated largely with the Irish and German societies in the city of New York.

The question presented to this legislature is whether it is desirable to continue this important commission or whether it shall be suffered either to become a charge upon the state or be closed.

A short time ago the commission was empowered to borrow two hundred thousand dollars; of this, one hundred and fifty-three thousand have been drawn, the loan being secured by a mortgage on the real estate of the commission.

The commission is also indebted to the several counties of the state for the support of immigrants to the amount of $99,104.71; also to the city of New York for the rent of Castle Garden, $32,000, and upon the emigrant fund account, $13,943.53, making a total indebtedness of $298,048.24; less cash on hand, $754.60, leaving a net indebtedness of $297,293.64.

The business of the commission, for the past year, can be better explained by the following table:

RECEIPTS from Commutation Fund and Expenditures, per month, of Commissioners of Emigration—year ending December 31, 1875.

MONTH. 1875.	SALARIES AND WAGES. Castle Garden, state agents and out-door clerks.	DISBURSEMENTS. Castle Garden landing depot (including meals to emigrants, and out-door relief), and state agencies.	SALARIES AND WAGES. State emigrant refuge and hospital, Ward's Island.	SUPPLIES. Repairs, and sundry expenses, refuge and hospit'l, Ward's isl'd.	Insurance on property and buildings at Ward's Island and Castle Garden.	Interest on loans and certificates of indebtedness.	Forwarding emigrants inland, etc.	Total expenditures.	Total receipts from commutation fee of $1.50 for each alien passenger landed.
January	$4,178 12	$1,282 19	$3,702 58	$7,121 00	.....	.....	$143 00	$16,426 89	$2,465 50
February	3,938 47	1,573 69	3,535 14	5,122 21	.....	.....	223 00	14,392 51	3,691 50
March	3,915 42	2,352 41	3,583 92	†2,320 60	$727 75	.....	241 25	13,341 35	7,714 50
April	3,941 62	869 23	3,523 42	†2,401 07	.....	.....	76 10	10,811 44	15,814 00
May	3,897 12	1,632 41	3,560 08	9,425 89	27 63	.....	117 00	18,660 13	21,745 00
June	2,925 14	1,627 50	2,034 82	5,965 25	27 63	$32 30	71 25	12,683 89	19,634 50
July	2,646 65	856 27	2,059 87	7,137 92	.....	3,546 01	36 20	16,282 92	13,657 00
August	2,639 22	2,348 67	1,990 20	6,564 43	.....	19 65	11 35	13,573 52	11,201 00
September	2,465 73	891 21	2,139 33	3,878 73	.....	.....	138 25	9,513 25	11,412 50
October	2,456 38	3,485 85	2,206 27	5,817 37	587 00	3,614 81	149 00	‡18,316 68	8,593 00
November	2,608 48	1,747 55	2,172 70	11,290 82	.....	.....	136 34	‡17,955 89	6,764 00
December	2,630 72	1,839 65	2,325 60	14,368 61	174 90	1,672 14	264 50	‡23,276 12	4,373 50
Totals	$38,243 07	*$20,506 63	$32,833 93	$81,413 90	$1,544 91	$8,884 91	$1,607 24	$185,034 59	$127,066 00

* 12,000 per annum, rent of Castle Garden, not included, as not yet paid.
† Payments deferred until May.
‡ Including cost of coal purchased for winter supply.

H. J. JACKSON, *Treasurer.*

From which it appears that the disbursements exceeded the receipts by	$58,000 00
Which deficit is also increasedb y the following:	
The rent of Castle Garden amounting to	12,000 00
The debts to counties	30,000 00
Total	$100,000 00

With the probability, if not the certainty, of a light immigration for the coming year, and from the figures submitted, it is apparent that some measures affording instant relief are imperatively demanded.

From the evidence taken it is plain that to destroy or impair the usefulness of this commission would greatly injure the prosperity of this port.

The all-important question then arises, what measures shall be adopted to relieve the present necessities of that commission, and to meet these emergencies, which it is reasonable to expect, may arise.

The commission, possessing large quantities of real estate together, with commodious accommodations for immigrants, has not since its establishment cost the tax payers of this State one dollar. The property owned, the maintenance of immigrants, the expenditures for salaries, etc., all have been paid for out of the commutation fund.

In our judgment taxation is unnecessary and objectionable. The only remaining remedy for the present financial embarrassments of the commission and for emergencies, is to increase the "head-money."

Since 1847 the legislature has from time to time changed the amounts for which immigrant bonds might be commuted, ranging from one dollar and fifty cents to two dollars and fifty cents.

From 1867 to 1871 the head-money or commutation for bonds was $2.50, when having accumlated a large surplus by reason of the large immigration between those years the commissioners of emmigration in the month of January, 1871, passed a resolution recommending a decrease thereof to the present figure namely $1.50, at which it has remained, notwithstanding the repeated requests of the commissioners for an increase, always met by the sole opposition of the steamship agents and companies in the city of New York.

The history of the preliminary steps which led to the adoption of the resolution above referred to remains shrouded in darkness; all the powers possessed by us were employed to ascertain the truth connected with a transaction disreputable for gentlemen representing a large portion of the commerce of the city of New York, to engage in.

The lack of memory of the witnesses, especially of the agents of the companies, as to the details of this transaction, important in its results to them, and *perhaps special in its character*, is remarkable.

But from the evidence which we were able to elicit, we are of the opinion that a contract between the steamship companies and one Michael Nolan was made in the fall of 1870, whereby it was agreed that Nolan should procure the reduction of the head-money from $2.50, and should receive one-quarter of the amount of reduction affected, to be paid him for each immigrant landed at Castle Garden for one year.

From the evidence it further appears that Mr. Nolan was not a person possessed of any particular qualifications, either by reason of his knowledge of legislation or standing as a lawyer, which would operate as inducements for his employment by the steamship companies in a matter of so much importance.

We are convinced that Mr. Nolan acted merely in the capacity of a distributor of a fund raised by the steamship companies for the purpose of influencing legislation. The refusal of Mr. Nolan to afford any information,

First. As to the amount of money received by him pursuant to the terms of the contract above referred to.

Second. As to the banks in which he had deposited them.

Third. As to their disposition.

Fourth. His testimony as to the steps he had taken to secure its passage of the bill in the assembly, by appearing before its committee on commerce and navigation, the report by that committee of the bill to the house, its transmission to the senate, the length of time which elapsed from its introduction to its passage in the assembly, his appearance before the committee on commerce and navigation in the senate — all of which evidence being completely refuted by the journals of the two houses — besides his entire ignorance of the name and identity of the person who introduced the bill in the assembly, satisfy us of the correctness of the conclusion above expressed as to Nolan's share in this transaction.

After considerable difficulty the committee ascertained the names of the banks in which Nolan had made his deposits. From his accounts in these banks and the statements which appear in full in the evidence submitted by the steamship companies it appears that Nolan received, under his contract, $77,518.25. Originally the contract with Nolan was to continue but for one year; but in 1872 upon the commissioners of emigration finding that the head-money at $1.50 would not be sufficient to carry on the operations of the institution, in their report to the legislature they recommended its increase and a bill to that effect being introduced in the assembly, a renewal of this contract was obtained by Nolan from some of the steamship companies. Others, notably the National line and Williams & Guion, objected to its continuation.

Owing to want of power we were unable to compel either the attendance of witnesses or to issue suitable process for refusal on the part of witnesses to testify, and therefore to ascertain with any degree of accuracy the disposition which Nolan made of the moneys collected by him.

An expert of considerable experience (Mr. Taintor) was employed; owing to his continued illness and absence from the city we were unable to reduce his testimony, upon oath, into proper form for present submission; but from the facts furnished by him we deemed it our duty to examine in private session certain persons, but could come to no conclusive judgment in reference to the complicity of any of them, which would warrant us in asserting their co-partnership in the division of the "Nolan money;" while some of those thus examined were completely exonerated from even mere suspicion.

Considerable difficulty was encountered by the expert, as we are informed by him, in tracing the disposition of Nolan's drafts upon his bank accounts, owing, no doubt, to the ring exposures made in the summer and fall of 1871.

We therefore recommend, in connection with this matter, that it be referred to a suitable committee, sitting during the session of the legislature, clothed with ample authority to examine further into the matters connected with this particular subject.

It has been charged, with considerable justice, that since 1871, up to the commencement of the year 1875, the affairs of their commission in the matter of salaries and number of employees, have been extravagantly carried on. It is however proper to say that the evidence before the committee is to the effect that a reduction in the number of employees could not always be made to correspond with the income of the commission, by reason of the fact that tried and experienced persons could not prudently be discharged when immigration was small and readily be re-employed or procured when the demands of an increased immigration required their services.

Since 1871, also, politics have improperly been permitted in some degree to influence the employment and discharge of employees, and this criticism is just in respect to both parties, which, since that time, have alternated in the control of the board.

The present commission commenced a substantial reduction in its expenditures for salaries about a year ago, when it was evident that immigration was on the decline, and, as at present administered, the force of employees and the salaries of some, as compared with the services they render, are inadequate.

Be these charges of part extravagance well or illy founded, is immaterial at the present time to the question whether this commission shall be preserved or destroyed.

It has frequently been pretended that by an increase of the head-

money the large and valuable interest of foreign steamship transportation to this port would be driven from it. From the evidence before the committee, and after special attention to the testimony of some of the prominent advocates of this theory, we are convinced that it is without a foundation in fact; that the superior facilities afforded to the immigrants at our port, and of which they are generally advised by friends and relatives residing here, and the efforts of the societies above referred to, to secure emigration to this port, will continue to attract immigration here, and compel the steamship companies, from self-interest, to yield to the demands for transportation.

Examination and comparison of the statistics given to the committee, as to the effect of head-money upon immigration, to this and rival ports fail to show that an increase of the head-money has operated as a cause, in any measure, to divert a certain class of immigration to Baltimore or Philadelphia; but the evidence does show that this class of immigrants, generally farming communities, who settle permanently in some of the western states, by reason of superior railroad facilities to the west, prefer the latter port.

From all the testimony taken, therefore, we are of the opinion, and urgently recommend an increase of the head-money to $2.50, of which fifty cents shall be set apart to liquidate the present indebtedness of the commission, and to pay the interests on the same.

The construction of this commission also engaged considerable attention, and some evidence was taken, as to the propriety of continuing it, in its present form.

As at present constituted, it consists of six commissioners, appointed by the governor and senate, the mayor of the city of New York, and the presidents of the German and Irish societies—the latter three, being simply ex-officio members, with no power to vote.

From 1847 to 1873, the presidents of the two societies always exercised full power as commissioners, when a change was made in the law, and they were reduced to their present position.

From the evidence, it appears that great credit is due to the disinterested labors of the gentlemen representing these societies, and without disparaging the services of their colleagues, it is evident that they contribute largely to the administration of the important trust confided by the state to the commission in question. We recognize no wisdom in the change made by the laws of 1873. We are satisfied, and recommend that a commission of three, appointed by the governor and senate, with the presidents of the two societies in question, who should take the oath of office prescribed for the appointed commissioners, and who should have full powers, should be constituted.

The question of paying salaries to the commisioners (being at present unsalaried) was also examined into. Regarding the commis-

sion, as no doubt it was regarded by the legislature of 1874, somewhat in the light of a benevolent institution, and as trustees of a particular fund, over which the legislature could not constitutionally exercise the power of appropriation, and with the view of securing the services of benevolent but politically disinterested persons, and removing the commission as far as possible from political influences, we have come to the conclusion that it would be unwise to make any change in this respect.

An important item of expense, which properly should never have been charged to the commutation fund, arises out of the provisions of the act of 1855, which subjects it to the maintenance of immigrants committed as criminals in the several counties of the state.

It is obvious that the fund in question was designed only for the care and protection of immigrants, and to prevent their becoming a charge as paupers.

QUARANTINE AND THE AFFAIRS OF THE HEALTH OFFICERS.

The committee, in its investigation of the affairs of this commission and office, limited its inquiries mainly to the questions whether quarantine should, as heretofore, continue a charge upon the state, or whether it should be self-supporting.

In the course of our inquiries, however, we ascertained that the expenditures made for the erection of buildings on Hoffman Island, and the building of this and Dix Island, were in many instances extravagant. But, as all these matters had received the sanction of law, further inquiry in that direction was deemed useless.

We were exceeding gratified that a willingness was expressed, both by the commissioners and by the health officer, Dr. Vanderpoel, to take charge of the entire management of quarantine and defray all the expenses for salaries and maintenance, excepting repairs, out of the emoluments of the health office.

The commissioners' proposition included the employment of a competent health officer and his assistants at a salary.

The office of the commissioners of quarantine was organized originally and grew out of the commission appointed to superintend and complete the erection of quarantine establishments. That work is now completed.

The powers now possessed by this commissioner are :

First. Hearing and deciding appeals from decisions of the health officer.

Second. In conjunction with the mayors of the cities of New York and Brooklyn, and the president of the board of aldermen of the city of New York, they are constituted the board to fix the salaries of certain employees in quarantine.

Third. To audit the bills incurred by the health officer.

The commissioners are also charged with the care and custody of the property of the state devoted to quarantine purposes.

It is highly creditable to the present health officer that no appeal, and as far as we could ascertain no occasion for any, have arisen during his administration; nor has the mercantile community any cause for complaint by reason of any of his acts.

With reference to the appellate powers of the commission, it seems to us that with proper amendment to the law, providing that quarantine affairs shall hereafter be administered and vessels and cargoes detained only as practically administered and now detained in quarantine, little if any occasion will exist for the continuation of an appellate board.

The power of fixing and regulating salaries possessed in part by the commissioners, is simply a negative power.

The health officer, by law, employs and discharges all employees in quarantine.

The unwieldly board referred to has not, for at least three years, been called together, so that practically the health officer has had complete control over the important question of expenditures for salaries.

The power of auditing bills contracted by the health officer might as well be exercised by the comptroller.

As to the *custody* of the property of the state, we submit that the health officer could very easily take charge of, and act as the *custodian* of, the property of the state without any expense to the state.

Therefore, we are of the opinion that the office of the quarantine commissioners be abolished; that the powers now vested in the commissioners be devolved upon the health officer; that a board of appeal, consisting of the presidents, for the time being, of the chamber of commerce, of the Ship-owners' Association, and of the board of health of the city of New York, be constituted to serve without compensation, for the purpose of deciding appeals from the decision of the health officer.

That the health officer pay the salaries of all employees in quarantine out of the fees collected by him; that all bills for repairs be contracted by him only, with the assent of the comptroller, and paid by the comptroller out of funds appropriated for repairs.

That hereafter no appropriation be made for the maintenance of quarantine, except for necessary repairs; that the money earned by the state's boats in quarantine for the transportation of passengers and mails, and that derived from the care of the sick at Dix Island, be accounted for and paid by the health officer to the state.

In the course of the investigation of quarantine affairs, it became our duty to notice an annual expenditure for salaries of so-called commissioners on quarantine boundaries between this state and the state of New Jersey.

The work of locating these boundaries was long since completed, and the necessity for this commission therefore, and this expenditure no longer exists.

We respectfully call the attention of the assembly to this matter, to the end that no appropriation be made for this purpose.

Appropriate bills embodying some of the recommendations contained in this report, have been prepared and are with this report respectfully submitted.

ALBANY, *January* 27, 1876.

J. McGUIRE.
THOMAS G. ALVORD.
L. A. WAEHNER.
F. W. VOSBURGH.
G. M. SCHUYLER.

PROCEEDINGS

BEFORE THE COMMITTEE OF INVESTIGATION INTO THE AFFAIRS OF THE COMMISSIONERS OF EMIGRATION AND QUARANTINE.

The committee of the assembly, appointed by the legislature of 1874–5, to investigate the affairs of quarantine and commissioners of emigration, held its first session at the Metropolitan Hotel, on July 9, 1875.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Schuyler, Gedney Vosburgh and Waehner.

On motion, Mr. Waehner was elected secretary.

Mr. Schuyler moved that the quarantine establishment be first investigated. Carried.

Mr. Waehner offered the following resolution:

Resolved, That the comptroller be requested to furnish to this committee correct transcripts of all vouchers and certified copies of all reports of the health officers and commissioners of quarantine from and including the year 1864 to this time, filed in his office, and that he also furnish the certified reports and correct transcripts of all vouchers of the joint committee on quarantine boundaries between the States of New York and New Jersey, or the reports of the commissioners on the part of the State of New York, during the same period, filed in his office, and forward the same as early as possible to Hon. Jeremiah McGuire, chairman, at the Metropolitan Hotel, New York city. Carried.

Mr. Schuyler offered the same resolution in relation to the commissioners of emigration, except as to and including 1870. Carried.

Mr. Schuyler moved that the emigration commissioners be notified to appear before the committee on the 10th inst., to produce such books and papers as they may have, and also moved that the health officer be notified to appear at the same time. Carried.

On motion, the committee adjourned to meet at the Metropolitan Hotel on July 10th at ten o'clock A. M.

NEW YORK, *July* 10, 1875.

The committee appointed by the legislature of New York to investigate quarantine affairs, and also the affairs of the commissioners of emigration, met at the Metropolitan Hotel, July 10, 1875, at ten o'clock.

Present—Hon. Jeremiah McGuire, chairman, and Messrs. Schuyler, Waehner, Alvord, Gedney and Vosburgh.

The meeting was called to order by the chairman, and William F. Bonynge, stenographer, 39 Park Row, New York, was appointed clerk and stenographer to the committee by the chairman.

Mr. Waehner moved that when the committee adjourns it adjourn to meet at Castle Garden to investigate quarantine affairs.

Mr. Alvord moved that when the committee adjourns it adjourn until Monday morning, to meet at Castle Garden at ten o'clock, and that in the absence of the speaker, Mr. Schuyler shall act as chairman of the committee until the return of the speaker. Motion carried.

Mr. Waehner moved that the committee meet at the Metropolitan Hotel on Wednesday morning at ten o'clock to proceed to inspect quarantine. Carried.

The commissioners of emigration present the annual report of the commissioners from January 1, 1870, to December 31, 1874, inclusive.

Mr. Alvord moved that James Davis be employed as messenger to the committee, and that he be in attendance on the committee, not in the committee room, but where he can be found, and that he be informed that the committee give him no assurance of pay for his services, but that he is to take his chance for it from the incoming legislature.

Mr. Waehner moved, as an amendment to the motion of Mr. Alvord, that Joseph Hodes be appointed messenger to the committee.

The motion was duly seconded and carried.

The chairman then took a vote on the original motion, as amended, which was carried.

Mr. Schuyler moved that Messrs. Alvord and Waehner be appointed a sub-committee to examine the reports presented by the commissioners of emigration, and that they report to the committee as early as practicable.

The motion was put by the chairman and carried.

Mr. Waehner moved that the committee do now adjourn.

The chairman put the motion which was carried, and the committee adjourned to meet at Castle Garden on Monday July 12, 1875, at ten o'clock A. M.

NEW YORK, *July* 12, 1875.

The committee met at Castle Garden, at 10 A. M., pursuant to adjournment.

Present — Hon. George W. Schuyler, (chairman *pro tem.*) and Messrs. Alvord, Gedney, Vosburgh and Waehner.

After inspecting Castle Garden, and the mode of receiving emigrants, etc., on motion the committee adjourned to meet at Castle Garden, on Tuesday, July 13, at 10 A. M.

NEW YORK, *July* 13, 1875.

The committee met, pursuant to adjournment, at Castle Garden, at 10 A. M.

Present — Hon. George W. Schuyler, (chairman *pro tem.*) and Messrs. Alvord, Gedney, Vosburgh and Waehner.

The committee proceeded to Ward's Island, and inspected the various departments there, and, after doing so, on motion the committee adjourned to meet at the Metropolitan Hotel, on Wednesday, July 14, at 10 A. M.

NEW YORK, *July* 14, 1875.

The committee met, pursuant to adjournment, at the Metropolitan Hotel, at 10 A. M.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Schuyler, Gedney and Waehner.

The committee proceeded to Hoffman's Island, Dix Island, and the receiving ship "Illinois," and the burial ground for cholera and yellow fever patients, and, after inspecting the same, on motion of the committee adjourned to meet at Castle Garden, on Thursday, July 15, 1875, at 10 A. M.

NEW YORK, *July* 15, 1875.

The committee met at Castle Garden, at 10 A. M., pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Schuyler, Alvord, Waehner and Gedney.

The chairman stated that he had received a commnnication from the comptroller of the state of New York, of which the following is a copy:

STATE OF NEW YORK.

COMPTROLLER'S OFFICE,
ALBANY, *July* 13, 1875.

Hon. J. McGUIRE, *Chairman, etc.*, New York city:

DEAR SIR — I am in receipt of the following resolution, adopted by the committee on quarantine and emigration affairs, July 9, 1875, to-wit:

Resolved, That the comptroller be requested to furnish to this committee correct transcripts of all vouchers, and certified copies of all reports of the health officers and commissioners of quarantine, from and including the year 1864 to this time, filed in his office; and that he also furnish the certified reports and correct transcripts of all vouchers of the joint committee on quarantine boundaries between the States of New York and New Jersey, or the reports of the commissioners on the part of the State of New York, during the same period, filed in his office, and forward the same as early as possible to Hon. Jeremiah McGuire, chairman, at the Metropolitan Hotel, New York city.

To furnish copies of the papers covered by the foregoing resolution would require the services of four or five men for two months, and perhaps longer. The season of the year is inauspicious for such an undertaking if the labor is to be performed by the clerical force employed in the office. The regular duties assigned to the various desks are so exacting, for this heated term, as to preclude the idea of loading them with the enormous amount of work involved in this call.

The appropriation for the clerical service in this department is barely sufficient to pay the present force, without employing additional help. There is a voluminous amount of papers and vouchers on file in this office relating to the subject of this call, and they can be at any time inspected by your committee, or a sub-committee appointed for that purpose; and I assure you, if this course should be decided upon, that your committee will receive the hearty co-operation of this department in overhauling and examining these documents. If this suggestion should meet your approval I will thank you for an early reply, for it will save an immense amount of time and labor in copying the papers, examining the books of payment, detaching and arranging the vouchers which during all these years have been attached to the comptroller's warrants on the treasury, as the drafts of the construction board were paid.

A short personal examination by any one of your committee of these voluminous papers, would satisfy him as to what I have stated as to the time and force required to comply with this call.

Respectfully yours,

A. K, HOPKINS,

Comptroller.

Mr. Alvord moved that Mr. Schuyler be appointed a sub-committee, to examine the vouchers, etc., mentioned in the letter of the comptroller.

Carried.

In regard to the mode of procedure to be adopted by the committee, Mr. Waehner suggested that Mr. Jackson and Mr. Forrest give a general statement as to what the property of the board of emigration now consists of, and, as nearly as they can, a list of their employees since 1870, and the gross amount of their expenditures during these years.

The above-mentioned suggestion on the part of Mr. Waehner was coincided in by the committee.

Henry J. Jackson, sworn.

By Mr. WAEHNER:

Q. You are secretary of the present commissioners of emigration? A. Yes, sir; secretary and treasurer.

Q. Will you state what the property of that commission now consists of? A. About 120 acres of land on Ward's Island, and the buildings thereon; the Marine hospital cemetery at Staten Island — I think it is about four acres — and a small piece of ground on Seguin's Point, which is barren, not occupied.

By Mr. ALVORD:

Q. You say "Marine cemetery," is that outside of quarantine? A. It is in the middle of Staten Island.

Q. Is it outside of any control upon the part of the commissioners of quarantine? A. Yes, sir.

Q. Belongs to the commissioners of emigration? A. Yes, sir.

Q. And is it used now? A. Yes, sir, for those emigrants who are buried on land when they die inside the limits.

By Mr. WAEHNER:

Q. Or die at Ward's Island? A. No, sir; those who die on Ward's Island are buried on Ward's Island.

Q. This Castle Garden property, who does it belong to? A. It does not belong to the commissioners of emigration; they rent it.

Q. From the city of New York? A. From the city of New York.

Q. What rent is paid for it? A. $12,000.

Q. Does the commission own any other property? A. No, sir; except the furniture of this building here.

Q. Now, sir, can you state from memory, or from reference to your reports, the gross receipts of the commission for the year 1870 from all sources? A. The total income, according to the report, was $652,-108.12.

Q. Will you state what the amount of the disbursements of the board was during that year; that is to say, the amount of money actually paid out during that year? A. The disbursements, according to the report, were $605,544.24.

Q. During that year there were also appropriations made; state the amount of the appropriations? A. As appears here, they were $45,261.86; that was for the building of the new lunatic asylum, as stated.

Q. During the year 1871 give the same statement of the receipts and disbursements and appropriations separate? A. The total receipts for 1871 were $613,108.35.

Q. Those were the receipts from all sources? A. Yes, sir; the disbursements were $605,904.17; there are no appropriations stated.

Q. Give the same statement for 1872? A. Shall I state the amount drawn from the appropriations, and the total receipts.

Q. The appropriations I understand are charged as against a subsequent account? A. Yes, sir; but they are drawn again from the appropriation account, and pass into the general receipts.

Q. What I want to get at is the exact amount of money that was received that year by the board, and then you can explain the system of your appropriations? A. The total receipts were $465,517.90; the disbursements were $590,793.78.

Q. What were the appropriations for that year? A. None recorded here; they were drawn from the appropriations that year previously made $118,412.93.

Q. This draft was, then, in the nature of a disbursement out of the appropriations that had been made out of the moneys in the year previous? A. Yes, sir, or out of the two preceeding years.

Q. Now, the year 1873? A. The total receipts for 1873 were $463,-706.53.

Q. Any appropriations that year? A. No, sir.

Q. Now, the disbursements? A. Four hundred and sixty-six thousand one hundred and eighth dollars and twenty-two cents.

Q. Any appropriations that year? A. There was drawn from the appropriation that year $48,709.73.

Q. Now, 1874? A. The total receipts were $334,011.36.

Q. Disbursements? A. The total payments were $328,288.37; I may say that of the receipts $100,000 were borrowed.

Q. Were there any appropriations made during the year 1874? A. No, sir; the total receipts for the six months from January 1, 1875, to June 30, 1875, were $101,494.89, and the disbursements were $91,269,44.

Q. Any appropriations made within those six months? A. No, sir.

Q. State the source of the receipts during the first year, 1870? A. There was received from the commutation fund, $534,056.21, and interest $22,(90.77.

Q. Give the balance on hand on the 1st of January, 1870, carried over from 1869? A. $79,371.66.

Q. Was that cash? A. Yes, sir.

Q. Now, the 1st of January, 1871, the board started with a balance of $79,371.66 cash assets? A. Yes, sir.

Q. What was that interest received from?

[The witness states, in answer to the above question, that pages 40 and 41 of the printed report of the commissioners for the year 1870, give, in detail, the sources of revenue of the commission during that year].

Q. Can you state the amount of bonds and other property, to the credit of the commission, on the 1st of January, 1870, available assets outside of the property on Ward's Island, Castle Garden and Staten Island, in the way of bonds and mortgages, and moneys on deposit? A. I have got it from May 2d, 1870, from the time the previous board came in. (The witness refers to the report of 1869). There was $150,000 invested in 1869, for the erection of the new lunatic asylum, and on the 2d of May, 1870, when the previous board came in, we have the exact amount that was on hand at that date; the cash assets on the 2d of May, 1870, were bonds on deposit with the city chamberlain and Broadway bank, and was $16,414.68; amount on special deposit in Union Trust Co., of New York, since January 13, at five per cent, $150,000. [See page 47 of the report of 1870.]

Q. You had $326,414.68 to your credit, in money and assets, on the 2d of May, 1870? A. Yes, sir.

Q. Were there any other assets of the board at that time, beside those stated in this Exhibit A of the report? A. None, except the property on Ward's Island, etc.

Q. Now, can you give us a statement of the amount of salaries expended during the year 1870? A. In Castle Garden and the state agencies, $98,068.88 were expended in the year 1870.

Q. Give us the amount of salaries expended for Ward's Island? A. For Ward's Island, $38,267.03; in addition to that payment, the employees received free board and lodging.

Q. Those on Ward's Island? A. Yes, sir.

Q. Not those in Castle Garden? A. No, sir.

Q. During that year, does it appear from the report of the commissioners, that there was any money borrowed by the board. A. No, sir; it does not appear.

Q. Refer to the report of 1870, and state upon what pages the names and the amounts of salaries of the employees of the board, if it is stated in the report, are mentioned? A. The names of the employees are not stated in the report; the amounts paid are stated in gross.

Q. Now just refer to the page on which the statement is made? A. I would add, that it has been estimated that the cost of the board at Ward's Island was about $15,000 a year.

Q. For the employees? A. For the employees and officers; the statement called for by your previous question is made on pages 119, 120, 121 and 123 of the report of 1870.

Q. State the number of persons employed upon Ward's Island in the year 1870? A. On Ward's Island in 1870 there were 100 persons employed during the month of July; I take it for that month, because they vary from month to month, and at Castle Garden and in the state agencies there were employed 120.

Q. Was that a larger number or a less number than on an average were employed during that year? A. I think that is a fair average for the year.

Q. And that was about the average during the entire year? A. Yes, sir.

Q. State, generally, the duties of the persons employed on Ward's Island at that time? A. There was a warden and deputy warden, steward, two chaplains, a chief clerk, baker, farmer, and some four outdoor police, man in charge of the ferry, engineer, dock-keeper, three men in charge of the dining hall, blacksmith, a man in charge of the bath-room, cook, gardener, plowman, carpenter, teamster, two assistant clerks, matron in charge of the cutting-room, tailor, and a man in charge of the labor bureau, stable keeper, a man in charge of the reading-room, another carpenter, six physicians, an apothecary, a matron of the hospital department, and a cook of the hospital department; there were forty-two nurses and male orderlies — male and female nurses.

Q. Now. the duties of the Castle Garden employees and state agencies? A. In the Castle Garden there was a superintendent, deputy superintendent and treasurer; the superintendent received a salary of $6,000, and deputy superintendent $3,500; treasurer, $4,000; and assistant secretary, $2,250; general clerk, $2,250, and ten other officers in what is termed the executive bureau ——

Q. Were those called clerks? A. They are all clerks except two; one is a messenger and the other is janitor; there were eight clerks receiving a salary varying from $720 to $1,500 · a messenger at $520, and a janitor at $720; there was a physician at $2,100; in the Ward's Island bureau there was a chief clerk at $1,500.

Q. That is stationed here at Castle Garden? A. Yes, sir; and three other clerks; two at $1,000, and one at $1,300; a superintendent of labor at $1,000, and an officer in the German society at $1,200; clerk at the mayor's office, $1,000; clerk at the city chamberlain's office at $700; clerk of the Irish Emigrant Society, $1,200; agent at Albany, $1,250; clerk at Albany, $240, and a woman to take care of the office at $60; an agent at Rochester, $300; Suspension Bridge, $1,000; Buffalo, $1,000; clerk at Buffalo, $144; physician at Buffalo, $200; agent at Dunkirk, $1,000; assistant agent, $360; agent at Utica, $400, and a supply clerk.

By the CHAIRMAN:

Q. Where are those state agents, and what have they to do? A. The state agents attend to the emigrant trains when they come in at the different points, and they certify to the county bills, and generally take care of the emigrants; they are at the principal points, or were; they are all abolished now.

Q. Emigrants from here going west have these parties you mention to look after them? A. Yes, sir, at the principal points; then there was a supply clerk at $2,500.

By. Mr. WAEHNER:

Q. Where was he stationed? A. He was stationed here.

Q. Now, in relation to the clerks of those two societies, is there any provision of law which provides that the commissioners of emigration shall pay them a salary? A. No, sir.

Q. Or the clerk in the mayor's office? A. I think it is inferable that the clerk at the mayor's office shall be paid.

Q. Who employs that clerk? A. He is employed by the commissioners.

Q. Is there still a person of that kind employed in the mayor's office? A. Yes, sir; is is imperative that a person of some kind shall take care of him.

Q. You say there is a provision of law which authorizes the employment of a clerk in the mayor's office? A. I think it is inferable, for the law provides the ships manifest shall be sworn to at the mayor's office by the captains of the ships, and that the money received shall be deposited with the chamberlain.

Q. Now, in this connection, let me ask you this: these officers that you have stated here were employed, of course, during that whole year? A. I could not say that; they were the general force; some of them were possible changed, but not more than a few; there was a medical officer at Castle Garden at $3,000; chief clerk of the forwarding bureau at $1,500; an assistant at $900; a messenger at $6 per week; chief clerk of the landing bureau at $1,800; interpreter at $1,100; five register clerks at $1,000 each; one register clerk at $1,300.

Q. Are those the persons employed at the different bureaus down here? A. At the landing bureau proper down here in the rotunda to register the emigrants as they come in; chief clerk of the emigration bureau at $1,800; one clerk at $1,200; clerk at $700; messenger at $600; chief clerk of the labor bureau at $15,000; two clerks at $1,000; one clerk at $1,300; one at $1,400, one at $540; a messenger at $520; one gate keeper at $1,000; one at $600; two at $540 each; one at $520; two matrons at $360 each; captain of the night-watch at $2.25 per day; eight night watchmen at $2.00 per day each; a messenger in the Ward's Island department at $12 per week; a messenger in the hospital department at $12 per week; a messenger in the labor bureau at $12 a week; one boarding officer, $1,500 per annum; two at $1,200 each, and a boatman attached to the boarding station at $780; that completes the statement for 1870.

Q. Now, in the year 1871, I see here, by the statement which you have made, that the amount of salaries expended at Castle Garden was $109,194.37? A. And state agencies.

Q. Now, can you, without going into details, state what additional employees were employed, or whether the salaries of any of those employees you have mentioned were increased during that year, or would you have to go through the whole detail? A. $109,194 were the expenses for salaries and state agencies at Castle Garden; on referring to the pay-roll of 1871, I find the salaries of ten persons were increased; there may have been more.

Q. Can you give the offices of those persons? A. There were three in the Ward's Island bureau; the medical officer's salary was increased.

Q. How much? A. His was increased $300 per annum; the chief clerk's salary was increased $300 per annum, and the two other clerks $200 per annum each.

Q. Making their salaries what? A. $1,800 one, and the other two

$1,200 each, and the medical officers $300, making it $1,800; four register clerks were increased $100 each per annum, making their salary $1,200; one register clerk was increased to $1,500; it was increased from $1,200 to $1,500, and the clerk in the labor bureau was increased from $1,000 to $1,200 per annum.

Q. Were there any additional employees appointed at Castle garden, or the state agencies? A. There was a postmaster at $1,250, and an assistant at $1,000 appointed; the overseer of labor was increased $500 per annum.

Q. What would that make his salary? A. $1,500; it was $1,000 in 1870; there may have been some more appointments made, but I could not exactly state, unless I went over them one by one.

By the CHAIRMAN:

Q. Explain, generally, the increase — the difference between what was paid in 1870 and 1871? A. I explained it generally by the increase of salary and the two appointments, and will do it specifically, if the committee wish it, but that would make it necessary for me to compare each name.

By Mr. WAEHNER:

Q. You have made this statement, showing the salaries paid at Castle Garden and Ward's Island and the state agencies since the year 1870 up to the 1st of July of this year? A. Yes, sir.

Q. And it is a correct statement, taken from the reports and from the books of the commission? A. Yes, sir; except those portions that the board has estimated.

The following is the statement referred to by the witness, and which was marked "Ex. No. 1. July 15, 1875. W. F. B."

EXHIBIT No. 1.

July 15, 1875.

Salaries paid at Castle Garden and for State Agencies.

Year 1870	$98,068 88
Year 1871	109,194 37
Year 1872	101,885 92
Year 1873	99,753 79
Year 1874	74,177 71
Year 1875, for six months	22,295 91

(Estimate for succeeding six months, as per present pay-roll, $14,786.25.)

Salaries paid at Ward's Island.

Year 1870	$38,267 03	
Add cost of board	15,000 00	
		$53,267 03
Year 1871	$47,410 55	
Add cost of board	15,000 00	
		62,410 55
Year 1872	$44,774 99	
Add cost of board	15,000 00	
		59,774 99
Year 1873	$47,085 10	
Add cost of board	12,000 00	
		59,085 10
Year 1874 (no free board)		44,583 57
Year 1875, for six months		19,939 96

(Estimate for succeeding six months, as per present pay-roll $12,367.25.)

Q. Now, you have stated that this increase of expenses, in 1871, at Castle Garden and the state agencies, was mainly owing to the increase of salaries, and that there were but two additional appointments made during that year? A. I didn't examine closely, to see how many appointments were made; I would have to compare each name to do it.

By the CHAIRMAN:

Q. Are you able to state now, what was the reason of the increase? A. I think, generally, it was by reason of the salaries paid.

Q. I see, by the report for 1871, the expenses for clerical force at Castle Garden, were $109,000, and for 1874, $74,000; what was, generally, the cause of the decrease, whether it was less salaries or less employees; was that decrease caused by the employment of a less number of employees, or a reduction of salaries? A. There are 24 less employees on the pay-roll of July, 1874, than there are upon the pay-roll of 1871, and, beside that, the salaries have been reduced.

Q. Then it is attributable to both causes, to a reduction of force and to a reduction of salaries? A. Yes, sir.

Q. Now, on that same subject, I see for the first six months of 1875, the salaries of Castle Garden and the state agencies are only $22,000; how is that reduction caused? A. The same causes.

Q. A still further reduction from the force of 1874? A. Yes, sir.

Q. And a reduction also of salaries from 1874? A. Yes, sir; and there has been a recent reduction also.

Q. Do the same causes operate on Ward's Island? A. Yes, sir; the same causes.

Q. This reduction of force that you have spoken of, take Castle Garden, what employees are dispensed with, and in what parts of the business? A. In the executive bureau, since the 1st of January, there have been a treasurer and clerk, and two messengers dispensed with; at the landing bureau, there was a clerk dispensed with; at the information bureau, there was a clerk also dispensed with; at the labor bureau, there were three clerks dispensed with; in fact, all the force in the labor bureau.

Q. Can you state the number of employees on Ward's Island now? A. Yes, sir; there are sixty-six, or were at the first of the month.

Q. How many in 1874? A. Eighty-six.

By Mr. WAEHNER:

Q. By the report of 1870, it appears that the board had on hand in the way of available assets, consisting of securities and cash, about $326,000; now, in 1871, was there any balance of that character to the credit of the board? A. On December 30, 1871, the commission had cash in hands of United States Trust Company, $165,412.93, and besides that they had cash on hand, $8,506.20.

[See page 49 of the report of 1871.]

Q. Now, this United States Trust Company's cash in their hands of $165,000, is that the amount which is to be charged to the government securities credited in the other report? A. I believe it is.

Q. In the year 1871, was the commission in debt or not? A. No, sir, it was not.

Q. What was the balance of assets on hand which the commission had, over and above all debts, if there was any? A. This is the cash assets as stated, but as against that they had awarded contracts for the erection of the new lunatic asylum.

Q. But these moneys were not expended for that purpose during that year? A. No, sir.

Q. The amount was simply appropriated during that year? A. Yes, sir.

Q. Now, in the year 1872, what was the condition of the same board on December 31? A. They had in city bonds $47,000, and $1,643.24 cash on hand.

[See page 51 of the report of 1872.]

Q. Then, as I understand it, there was only to the credit of the board on December 31, 1872, in the way of available assets, about $48,643.25? A. Yes, sir.

Q. Now, in the year 1873, on December 31, what was the condition

of the commission at that time? A. The commission had overdrawn their account in the bank on December 31, 1873, $2,401.69.

[See page 193 of the report of 1873.]

Q. Can you tell us whether the commission that year, on December 31, was in debt, or whether there were any available assets to its credit outside of its real estate? A. The commission was in debt, as it was estimated by the then treasurer, on the 31st of December, 1873, to the amount of $66,400, and, in addition, for the support of emigrants and counties for which bills he had not yet received any thing, nearly $15,000 in addition to the $66,400.

Q. Let me ask you whether during the years 1870, 1871 and 1872, all of the bills of these counties had been paid? A. These bills were not rendered very regularly; they sometimes ran behind a month or so; all that had been rendered up to, I think, about April, 1873, had been paid.

Q. And up to that time this commission did not owe any thing to the outside counties for the care of these emigrants? A. No, sir; and, in addition to that, I can give the indebtedness of the former board at the time it turned over its effects to the present board, in May, 1873.

Q. Let us have that statement? A. The indebtedness of the former board on July 1, 1873, was, on contracts, $31,605; bills of counties, $21,500.

Q. When was this report made? A. The first of June, 1873.

Q. How much do you say the outside counties became indebted from April to June? A. I say this is the indebtedness left to the present board by its predecessors.

A. I understood you to testify a while ago, that up to April, 1873, all those outside parties claims had been satisfied? A. Yes, sir; I think up to that time.

A. And the other board turned over their accounts in June of that same year? A. Yes, sir; but those bills had not been paid until July or August.

By Mr. GEDNEY:

Q. I understand you to say that the bills, as far as they were received in, were squared up to April? A. Yes, sir; for supplies they owed $4,000, making $57,105; of this amount the present board paid $48,411.94.

By Mr. WAEHNER:

A. Now, in the year 1874, will you state the financial condition of the commission? A. They had a cash balance on hand on the 31st of December, 1874, of $5,722.99.

A. Did the board at that time hold any government bonds? A. No, sir.

Q. Or securities of any kind? A. They did not.

Q. What was the indebtedness of the board at that time, if any? A. $211,105.30.

Q. On May 2, 1870, it appears that the commission, over and above all its indebtedness, had about $326,414.68 on hand in the way of government bonds and securities and money? A. Yes, sir.

Q. Now, sir, on December 31st, 1871, it appears that there was only $173,919.18 to the credit of the commission, in the way of money; can you explain generally what the cause of that decrease was? A. There appears to have been $32,621 expended for the lunatic asylum.

By the CHAIRMAN:

Q. That was expended in 1871? A. Yes, sir; I will have to ask that the previous answer be left out; I find, in addition to the general expenses of the commission, that in 1870 there was paid on the contract for sea wall at Ward's Island, $30,000; there was paid for the new lunatic asylum, $20,832. Both of those payments were in 1870.

By Mr. WAEHNER:

Q. Was there any thing else paid out that year? A. Nothing special in that year.

Q. There are two thousand and some odd dollars to be accounted for on that? A. They paid on account of mortgage on Ward's Island property in 1871, $50,000.

Q. What time in 1871 was that? A. It was previous to December 30th.

Q. Who held that mortgage? A. The Mutual Life Insurance Society held it since 1860; it was a joint mortgage with the quarantine property, and could not be paid off until the property was sold.

By Mr. GEDNEY:

Q. That was on account of the mortgage? A. No, sir; clearing off the mortgage.

By Mr. WAEHNER:

Q. In 1869 were there any appropriations made which were paid out of the funds in the hands of the commission during the year 1870; see if there were any appropriations in 1869 to which any part of this money in the hands of the commission in 1870 was applied? A. No, sir; there was none drawn into it; but the balance of cash on hand on January 1, 1870 was $79,371.66.

Q. Is this $79,000 in cash included in the $326,000 which is stated

to be to the credit of the commission on the 1st of May, or the 30th of May, 1870; was that cash, $79,000, brought forward to make up the amount of $326,000, which you gave as the assets of the commission? A. Yes, sir; it was included in that sum; there was an appropriation made in 1870 of $45,261.86.

By the CHAIRMAN:

Q. But that was in 1870; that was not paid until 1871, I take it? A. No, sir; it was not paid until 1871.

By Mr. WAEHNER:

Q. You stated the assets on the 1st of May, 1870, were $326,414.68; now, on the 31st of December, it appears that these assets were reduced to $173,919. Therefore, the expenses for the years 1870 and 1871 were drawn from this balance on hand on the first of May, 1870, in the way of extraordinary expenses; what was that appropriation of $45,000 made for in 1870? A. For the new lunatic asylum.

Q. That was not paid out, however, until 1871? A. I don't see any payment.

Q. Just look carefully over these reports and see if you cannot account for the difference between $173,000 and $326,000, which was expended between May 1870 and December 31, 1871? A. Yes, sir; I will give you the figures.

Q. Let us have the details of those expenditures? A. The extraordinary expenditures were paid on account of that mortgage, $50 000; purchase of property at Seguin's Point, $8,800; erection of extension to hospital $9,753; on account of contract for erection of new lunatic asylum $11,789.29; that was paid out in 1871; for completion of the contract of the sea-wall at Ward's Island $21,840.23; for gas works on Ward's Island, on account, $10,000, and for gas mains and pipes $3,886.95, and expenses of arbitration with commissioners of charities and correction in regard to division of land.

Q. In regard to the boundary between the commissioners of emigration and charity commissioners on Ward's Island? A. In regard to taking a portion of land; they took one part, and we took another.

Q. How much was that? A. Three hundred and fifty dollars; total extraordinary payments, $116,419.47, and counting in the other $50,000 makes the total extraordinary payments for 1870 and 1871, $166,419.47; The expenses of the year 1871 were greater than the receipts.

By the CHAIRMAN:

Q. In 1870 you didn't quite finish the amount of your receipts? A. At that time it was agreed to take the printed report.

[Mr. Schuyler suggested that the witness, Mr. Jackson, be requested

to make out a statement of actual receipts from and including 1870 to June 30, 1875, from the commutation, and interest, and other sources irrespective of this fund, and that he state the amount of cash and other available funds on hand on the 1st of January, 1870, and each succeeding year, and these receipts are not to include any thing from the available funds.]

Mr. Waehner moved that the committee do now adjourn, to meet at Castle Garden on Friday, July 16, 1875, at 2 o'clock P. M. Carried.

The committee adjourned accordingly.

NEW YORK, *July* 16, 1875.

The committee met at Castle Garden at 10 o'clock A. M., pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Schuyler, Gedney, Vosburgh and Waehner

Henry J. Jackson, recalled:

By Mr. WAEHNER:

Q. You have made up a statement as requested by the committee yesterday; this is the statement which I have here? A. Yes, sir.

[Statement marked "Exhibit No. 2. July 16, 1875. W. F. B."]

EXHIBIT No. 2.—*July*, 16, 1875.

Receipts and Expenditures of the Commissioners of Emigration from January 1, 1870, *to December* 31, 1874.

RECEIPTS FOR 1870.

Cash assets January 1, 1870:		
U. S. bonds	$160,000 00	
Deposit with Union Trust Co.	150,000 00	
Balance in bank	79,371 66	
		$389,371 66
Receipts from commutation fund, year ending Dec. 31, 1870	$534,056 21	
Received for interest	22,090 77	
Received for sale of material, etc., at Ward's Island	4,820 21	
Received for forwarding emigrants	3,725 50	
Transferred from petty cash account to general cash account	2,500 17	

Cash in Broadway National Bank.....	$4,217 03	
Received from emigrant remittance account,	1,088 57	
Received for rent at Albany	225 00	
Received from sale of badges, etc., at Castle Garden	13 00	
		$572,736 46
Total receipts		$962,108 12

EXPENDITURES FOR 1870.

For support of Ward's Island institutions		$250,864 44
For support of Castle Garden landing depot		208,014 22
For building sea-wall at Ward's Island.....		30,000 00
For repairs and additions to Ward's Island property....		3,952 97
For building new lunatic asylum		20,832 01
For forwarding emigrants.....		7,914 15
For insurance		6,731 60
For support of emigrants, paid to the counties and institutions of the state		51,681 15
For support of state agencies		7,597 52
For temporary out-door relief to emigrants in New York city		3,431 18
For interest on bond and mortgage.....		14,525 00
Expenditures.....		$605,544 24
Cash assets December 31, 1870:		
U. S. bonds.....	$160,000 00	
Deposit, Union Trust Company.....	116,939 80	
Deposit, Tenth National bank.....	78,322 06	
Cash in bank.....	1,302 02	
		356,563 88
Total expenditures.....		$962,108 12

RECEIPTS FOR 1871.

Cash assets January 1, 1871.....		$356,563 88
Receipts from commutation fund, year ending December 31, 1871.....	$372,528 00	
Received for interest and premiums	41,294 87	
Received for sale of material, etc., at Ward's Island	5,006 40	
Received for forwarding emigrants	2,497 07	

Received for sale of material at Castle Garden	$34 63	
Received for rent at Albany	243 75	
Received return premiums on insurance policies	284 77	
Received for board of children in state institutions	66 83	
Received from emigrant remittance account,	12 00	
Received for support of illegitimate children, etc	1,291 10	
		$423,259 42
Total receipts		$779,823 30

EXPENDITURES FOR 1871.

For support of Ward's Island institutions	$272,995 13
For expenses of Castle Garden landing depot	147,864 22
For mortgage on Ward's Island property	50,000 00
For building sea-wall at Ward's Island	21,840 23
For property at Seguin's Point	8,800 00
For building gas-works at Ward's Island	13,886 95
For expenses, dividing land at Ward's Island	350 00
For buildings at Ward's Island, improvements to same	9,753 00
For building new lunatic asylum	11,789 29
For insurance	4,656 79
For forwarding emigrants	9,572 61
For support of emigrants in counties and institutions of the state	39,829 58
For interest	1,458 33
For support of state agencies	6,983 93
For temporary out-door relief, etc., to emigrants	6,093 11
For emigrant remittance account	31 00
Expenses	$605,904 17
Cash assets December 31, 1871:	
Deposit with Union Trust Co $165,412 93	
Cash in bank 8,506 20	
	173,919 13
	$779,823 30

Receipts, 1872.

Total cash assets, January 1, 1872		$173,919 13
Receipts from commutation fund year ending December 31, 1872	$442,429 00	
Received for interest	6,825 56	
Received for sale of material, etc., at Ward's Island	9,415 93	
Received for sale of material, etc., at Castle Garden	76 21	
Received for forwarding emigrants	2,411 72	
Received for rent at Albany	206 25	
Received for returned insurance premiums,	107 12	
Received for board of emigrant children	52 00	
Received from commissioners charities and corrections, part expense of erection of fence at Ward's Island	3,261 73	
Received for relief account, etc	624 58	
Received from emigrant remittance account	107 80	
		465,517 90
Total receipts		$639,437 03

Expenditures, 1872.

For support of Ward's Island institutions	$238,731 63
For expenses of Castle Garden landing depot	144,996 54
For gas-house and pipes at Ward's Island	16,295 99
For erection of fence at Ward's Island	7,321 80
For extension to hospital at Ward's Island	1,420 00
For erection of new lunatic asylum	74,212 38
For erection of new chapel	29,515 30
For services of architects, etc	1,000 00
For insurance	1,986 02
For forwarding emigrants	8,949 02
For support of emigrants in counties and institutions of the state	51,556 81
For support of state agencies	7,427 83
For interest	2,042 64
For temporary out-door relief, etc	5,308 22
For emigrant remittance account	30 00
Expenditures	$590,793 78
Cash assets December 31, 1872:	
Bond of city of New York	$47,000 00
Cash in bank	1,643 25
	48,643 25
Total expenditures	$639,437 03

RECEIPTS FROM JANUARY 1 TO MAY 31, 1873.

Cash assets January 1, 1873		$48,643 25
Received from commutation fund, five months ending May 31, '73	$165,951 00	
Received for interest	1,798 23	
Received for sale of material, etc., at Ward's Island	1,993 98	
Received for sale of badges at Castle Garden,	2 50	
Received for forwarding emigrants	197 28	
Received for rent at Albany	112 50	
Received for returned polices of insurance,	80 32	
Received for board of emigrant children	18 00	
Received for support of illegitimate children, etc	321 00	
Received from emigrant remittance account,	13 00	
		170,487 81
Total receipts		$219,131 06

EXPENDITURES FROM JANUARY 1 TO MAY 31, 1873.

For support of Ward's Island institutions.	$97,508 64	
For expenses of Castle Garden landing depot,	59,313 29	
For insurance	1,367 96	
For forwarding emigrants	2,937 25	
For support of emigrants in counties and institutions of the state	8,490 55	
For interest	89 44	
For temporary out-door relief, etc	2,470 64	
For support of state agencies	3,212 91	
For erection of new lunatic asylum	34,000 00	
For completion of chapel building	4,662 50	
Expenditures	214,053 18	
Cash balance May 31, '73	5,077 88	
		$219,131 06
Unpaid indebtedness		57,105 00

RECEIPTS FROM JUNE 1, 1873, TO DECEMBER 31, 1873.

Cash assets June 1, 1873		$5,077 88
Receipts from commutation fund, seven months ending December 31, 1873	$236,248 50	
Received for sale of material, etc., at Ward's Island	3,317 85	
Received for same Castle Garden	303 93	

Received for forwarding emigrants	$1,133 69	
Received for returned insurance premiums and commissions	49 42	
Received for support of illegitimate children, etc.	1,224 65	
Received for board of emigrant children	12 20	
Received for rent at Albany	118 50	
Received from employees, part payment for uniforms	638 50	
Received from inmates' funds account	820 00	
Received for interest on emigrants' funds account	1,000 00	
Overdrawn December 31, '73	2,401 69	
		$252,346 81
Receipts		$244,867 24

EXPENDITURES FROM JUNE 1, 1873, TO DECEMBER 31, 1873.

For support of Wards Island institutions		$117,578 21
For expenses of Castle Garden landing depot,	$74,341 02	
For insurance	621 65	
For forwarding emigrants	4,923 38	
For support of emigrants in counties and institutions of the state	24,187 69	
For temporary out-door relief, etc.	3,846 87	
For employees' uniforms	1,690 00	
For inmates' funds account	606 98	
For amount deposited in 1871 in Bowling Green Savings Bank, suspended	265 80	
For erection of new lunatic asylum	22,525 96	
For support of state agencies	1,759 25	
		252,346 81
Expenditures		$252,346 81
Estimated unpaid indebtedness		$81,400 00

RECEIPTS FOR 1874.

Receipts from commutation fund, year ending December 31, 1874	$210,844 50
Received for sale of material, etc., at Ward's Island	3,369 92
Received for sale of material at Castle Garden	161 22
Received for forwarding emigrants	2,786 85
Received for support of illegitimate children, etc.	3,827 00
Received for rent at Albany	283 33
Received from emigrant fund account, borrowed	10,540 60

Received for board of emigrant children	$10 00
Received from remittance account	28 60
Received for inmates' fund account	1,225 68
Received from employees for uniforms	933 66
Received from Equitable Life Assurance Society, loan	100,000 00
	$334,011 36
Receipts, not including loan	$234,011 36

EXPENDITURES FOR 1874.

Paid overdraft, December 31, 1873	$2,401 69
For erection of new lunatic asylum	22,119 45
For support of Ward's Island institutions	179,318 70
For expenses of Castle Garden landing depot	96,498 07
For forwarding emigrants	7,575 21
For temporary relief to emigrants	5,715 81
For support of illegitimate children	2,727 25
For support of state agencies	3,281 62
For interest	5,565 11
For insurance	1,773 72
For inmates' fund account	1,311 74
Expenditures	$328,288 37
Cash balance	5,722 99
	$334,011 36
Unpaid indebtedness	$216,828 29

Q. I think we were examining yesterday with regard to the salaries; have you inquired into that matter? A. No, sir; I have not had time to inquire more fully into that.

Q. Into the causes of the increase of the expenses during the years 1871, 1872 and 1873? A. Except what I stated yesterday, that it was by the increase of the salaries and the number of employees.

Q. But you have not prepared the list of employees during those respective years to ascertain whether or not it was by an increase of the number or an increase of the salaries that increased the expenditures of the commission in that respect. A. No, sir.

Q. The committee, yesterday, I believe, desired to have some statement in relation to that matter; will you have the kindness to furnish us with that at some future time? A. Yes, sir.

Q. Will you state of your own knowledge, from being connected with the committee, if you have any on the subject, what year those

government bonds were disposed of that are to the credit of the board — that $160,000 of government bonds? A. $50,000 were disposed of, by the books, on May 1, 1871, and $110,000 on the 27th of November, 1871.

Q. All of them in 1871? A. All of them in 1871.

Q. In 1871, I think, at the close of the year, you testified yesterday, there was a balance to the credit of the commission of some $48,000, was it not? A. On the 31st of December, 1871, there was to the credit of the board in the Union Trust Co. $165,412.93.

Q. Was that cash? A. That was a deposit as interest; besides that there was $8,506.20, cash in bank.

Q. What time did you become connected with this commission? A. In 1868.

Q. In what capacity did you serve then? A. As a clerk in the landing bureau.

Q. And from that you were promoted to what department? A. I was promoted to the Ward's Island bureau.

Q. And from that you were made treasurer? A. No, sir; I was made assistant clerk to the superintendent, and then I was made assistant secretary, and then secretary and treasurer.

Q. Give us the dates of those appointments? A. The time I was transferred to the Ward's Island bureau, I don't remember exactly; it was about 1869, and I was acting as assistant clerk to the superintendent in 1871 and 1872.

Q. Who was the superintendent during those years? A. Bernard Casserly; I was appointed assistant secretary to Mr. Casserly about the close of 1872, and I served as assistant secretary until six months ago, since when the superintendent and secretary was removed; I was then acting secretary.

Q. When was Mr. Casserly first employed as superintendent; do you know? A. I do not; about thirteen or fourteen years ago.

Q. He acted as superintendent up to what time? A. Up to June, 1873.

Q. Then he was succeeded by whom? A. By Mr. Webster.

Q. And Mr. Webster was removed when? A. He was removed in June or July 1874; it was either June or July, 1874.

Q. In what manner are the supplies furnished to Ward's Island and at this place; by contract or what? A. The only thing contracted for at Ward's Island is meat and condensed milk, in the way of supplies; the other articles are purchased in open market.

Q. Who makes those purchases? A. I do at present.

Q. That system has always prevailed, or at least since you have been here? A. The treasurer that preceded me purchased; previous to him the superintendent of Ward's Island made the purchases, and

previous to that again there was a supply clerk who made the purchases.

Q. When you make purchases, to whom do you render your account of the purchases; explain the system by which the supplies are furnished, fully? A. Requisitions are made to the superintendent of Ward's Island by the steward and physicians, and the various people on the island who have charge of wards, etc., for supplies that are needed for two week; they are made semi-monthly; he makes a requisition and sends it to the Ward's Island committee, and if approved by the chairman, it is sent to me to make purchases, except milk and meat, which are contracted for.

Q. Who has the contract at the present time for the delivery of meat? A. J. M. Evans & Co.

Q. How long has he had it? A. He has had it over a year.

Q. Who had it before him? A. Mr. Patterson had it for a short time.

Q. Jacob M. Patterson? A. Yes, sir; and previous to that James Irving had it.

Q. How long had he it? A. He had it previous to the time I came in the commission; how long he had it I don't know.

Q. Are these the only persons that had the contract? A. No, sir they are all I know.

Q. Is all the meat purchased of one person who may be the contractor at that time? A. Yes, sir; except when occasional requisitions are made by the physicians for something extraordinary, like chickens or oysters — something in that nature.

Q. Who makes this contract with the contractor? A. The commissioners, by advertisement.

Q. How often do you advertise? A. The contract is terminable at thirty days' notice by either party.

Q. Then it is not a contract for a year or month? A. No, sir.

Q. It is a contract terminable by either party on thirty days' notice? A. Yes, sir.

Q. Is that a written contract you make? A. Yes, sir.

Q. Have you any of those contracts for meat delivered there? A. The contract for the delivery of this meat?

Q. Yes? A. I think it is at Ward's Island; I can get it.

Mr. WAEHNER — We would like to see those contracts from 1870 to the present time.

The WITNESS — I will get them.

By Mr. ALVORD:

Q. How long has the present meat contractor delivered the meat? A. I think about a year.

Q. Has there not been a variation of price within a year in regard to the value of meat? A. Yes, sir; the price of meat at his petition was increased on two kinds of meat, I think.

Q. Has it been increased? A. Yes, sir.

Q. Then the contract has been varied, according to the exigencies, from time to time? A. It has only been increased once since the present contractor had it.

Q. Has it ever been decreased? A. No, sir; not the present contract.

Q. Are you familiar enough with the market to know whether the general price of meat has increased or decreased? A. I am not.

Q. Since the making of this contract? A. No, sir; I am not familiar enough with it; I only know he petitioned the board, and stated that he was loosing money on the contract.

By Mr. WAEHNER:

Q. Will you state how much, in all, this new lunatic asylum has cost the commissioners? A. Yes, sir; $185,475.

Mr. VOSBURGH — It is more than that in the statement you rendered; it is more than $200,000.

The WITNESS — There is something extra, I believe, for excavations in the first part.

By Mr. GEDNEY:

Q. I see the following item in this book containing the reports of 1870, 1871, 1872 and 1873, "paid contract for excavating site $16,557.95?" A. That is not included in this amount.

Q. Also, "paid architect and premiums for plans $3,500;" "paid advertising for proposals, etc., $774.06," the three items making $20,832.01? A. That is only the contract for building.

By Mr. WAEHNER:

Q. You say there was a contract made for the building of the institution? A. Yes, sir; several.

Q. With whom was the original contract made? A. There were several contracts entered into for various branches of the work, one for the mason work, and one for the carpenter's work, etc.

Q. Can you give us the names of the parties who had the contract for the doing of that work in those different branches? A. Charles O'Connor had the mason work.

Q. Who had the contract for the carpenter's work? A. McRickard & Casey.

Q. Who had the steam-heating contract? A. Gillies & Goeghegan.

Q. Who had the plastering contract? A. That was included in the mason's work.

Q. Were those contracts in writing? A. Yes, sir.

Q. Have you those contracts on hand? A. I have.

Q. Can you lay hands on them at the present time? A. Yes, sir (after searching for the contracts); Commissioner Schack has got those contracts.

Q. Including the sums paid for excavating, architect and advertising, what did this new lunatic asylum cost in gross? A. $185,479.09.

Q. And the amounts paid for excavating, architect and for advertising proposals, etc., amount together to $20,832.01, as appears from this report of 1870? A. Every thing connected with the lunatic asylum is in the total amount.

Q. Inclusive of that amount? A. I presume so.

Q. Is that building now completed? A. Yes, sir; it is completed.

Q. In what manner were those contracts given out for the doing of the work on that building; were they advertised? A. I presume so; I was not secretary.

Q. Do you know when the contracts were given out? A. I don't know when they were given out; no, sir.

Q. Were they given out before you were connected with this commission? A. No, sir; I was connected with it at the time they were given out.

Q. But that was not part of your business to attend to? A. I think I did something in regard to it, but I was not secretary or assistant secretary at the time.

By Mr. ALVORD:

Q. What position did you hold at the time? A. Simply a clerk in the department.

Q. What part of the department? A. The Ward's Island bureau.

By Mr. WAEHNER:

Q. Who was the superintendent or secretary at that time, when these contracts were given out? A. Mr. Casserly.

Q. Now, the hospital contract — the erection of the extension to the hospital — how much in all did that cost? A. I really cannot say.

Q. You have not figured that up? A. No, sir; it is stated in the report that I have made.

Q. It is in the statement you have prepared? A. Yes, sir.

Q. When was the work commenced for the erection of this extension to the hospital, do you know? A. I do not know exactly, but I believe it was in 1870 it was first commenced; I think the excavation of the building was commenced in 1870.

Q. Was that work done by contract? A. I do not know; I think not.

By Mr. VOSBURGH:

Q. You have in your report here for the support of Ward's Island institutions so much money; does that include all the labor and provisions and every thing of that kind, or is it a portion of the construction? A. It includes every thing except the construction of the building.

Q. That is for maintenance? A. For maintenance and salaries and supplies, and generally for ordinary laborers, but not permanent improvements.

By Mr. WAEHNER:

Q. In what manner was the work done if it was not done by contract on this extension? A. I understand it was done by inmates' labor; the extension?

Q. Yes? A. the extension I think was done by contract, if I am not mistaken.

Q. I understood you to say awhile ago you understood it was not done by contract? A. I understood you to be speaking of excavation.

Q. I want to know how the whole work was done, whether by contract or by days work? A. I don't know.

Q. Who could give us the information on that subject? A. I think the present superintendent of Ward's Island.

Q. That is Mr. Krehbiel? A. Yes, sir.

Q. Who had the contract for the completion of the sea-wall at Ward's Island; have you that contract in the office? A. I do not know that I have; I will see.

Q. Does it appear from your statement how much in all that work cost? A. Yes, sir.

Q. Can you state now, by referring to it, what it cost? A. Yes, sir. [Witness refers to statement.] The first payment was in 1870, and was $30,000; in 1871, $21,840.23; that I believe completed it.

Q. How much in all was that? A. Fifty-one thousand eight hundred and forty dollars and twenty-three cents.

Q. How much in all did this steam-heating contract cost? (Not answered.)

Q. There has been some claim made by this commission against the state; explain what the nature of that claim is, in what manner it arose, and what the position of it now is? A. It is very fully set forth on pages 14 and 15 of the report of 1874.

Q. I see throughout these reports, from 1870 to this time, that more or less has been paid annually by this commission to the metropolitan police; in what way are you liable for the payment of the salaries of

policemen? A. Those are police who are specially detailed at Ward's Island; always in the winter time.

Q. And yet not furnished you by the city authorities? A. No, sir; at the present time we have not any.

Q. The city requires you to pay for the salaries of those policemen? A. Yes, sir.

By Mr. GEDNEY:

Q. Who holds the title to any of this property right here at Castle Garden? A. The city authorities; it is claimed by the city.

By Mr. WAEHNER:

Q. You pay the city rent? A. Yes, sir.

Q. I see here some very large accounts, annually, for flour; has the commission never been in the habit of purchasing flour by contract? A. No, sir; I don't think they ever purchased flour by contract.

Q. Nor coal? A. Coal we have purchased by contract.

Q. What year did you purchase coal by contract? A. I think last year, and I think every year we purchased it by contract; in 1871 we bought it at auction.

By Mr. VOSBURGH:

Q. Who did you contract with last year? A. John C. Scott & Co., of Philadelphia.

By Mr. WAEHNER:

Q. Did you advertise for bids? A. We didn't advertise but we sent letters to various large coal companies asking for bids.

Q. In your list there appears to be an item of salary including carpenters and laborers, $71,619.29; will you be good enough to explain that item? A. We have from six to eight laborers all the time employed; last year we paid them $2 a day, and now we pay them $1.50; last year we had two carpenters attending to the general repairs around the building, and now we have one carpenter, and the balance is for clerks and officers.

Q. Do the emigrants do any work at this island; are they employed in any way by the commission? A. Those that we have there that are able-bodied do some.

Q. Are they paid any thing? A. No, sir.

Q. They furnish their labor voluntarily? A. Yes, sir.

Q. I suppose in their respective trades? A. Generally on the farm.

Q. Was there any thing realized outside of the farm labor? A. No, sir; except they are employed also in the bake-house and wash-house,

and assisting the store-keeper, butcher, etc.; I don't believe we have over fifteen men there now.

Q. This gas-house that was contracted for on the island, was that done by contract? A. I think so; I think it was contracted for.

Q. If it was will you have the contract here for that? A. Yes, sir.

Q. Can you state now whether or not any sums of money were paid in excess of the contract prices for either of the works to which allusion has already been made here as extra work? A. I think not; I know that a bill was rendered by the carpenter for extra work and was not allowed, but I think there was something that was not exactly included in the mason's contract, flagging I think, and he was allowed for that.

Q. So that the contract price was adhered to in all instances, excepting those you have mentioned? A. As far as I know, it was.

Q. I suppose that the books of the commission will show the contract prices, will they not? A. Yes, sir.

By Mr. GEDNEY:

Q. Was there not a claim, within two years, by the carpenter, for extra work up there? A. Yes, sir; I have alluded to that.

Q. Is it in litigation, or has it been settled? A. I don't think it has ever been paid.

Q. Then it has not been settled, you think? A. No, sir; I don't think any settlement has been made, or any attention paid to it.

By Mr. WAEHNER:

Q. Does this commission own or charter any steamboat annually for use? A. It charters a steamboat by the trip.

Q. For what purpose do you charter and use a steamboat? A. For conveying the sick and destitute emigrants and supplies to Ward's Island; we send her now three times a week.

By Mr. VOSBURGH:

Q. How much do you pay a trip? A. $25.00 a week.

By Mr. WAEHNER:

Q. Do you at any time use the health officer's steamer? A. No, sir; we don't use her; the health officer does transfer once in a while emigrants, sick with fever, from quarantine up to Ward's Island.

By Mr. VOSBURGH:

Q. Does he charge the commissioners of emigration for that transfer? A. No, sir.

By Mr. WAEHNER:

Q. In making purchases for the commission do you keep the vouchers on file in your office here? A. Yes, sir.

Q. Do you verify the vouchers yourself, or verify the expenditure of the money? A. I verify them, and so do the commissioners; the bills are sent with the goods to Ward's Island; they are certified to by the store-keeper and by the superintendent of Ward's Island, as to the receipt of the quantity and the quality; the bills are presented by me to the finance committee of the board, and, if approved by them, they are paid, and a check is drawn to the order of the party furnishing the goods, which is signed by the president and two other commissioners.

Q. Are all payments made by check? A. All payments are made by check, except small, petty cash expenses, which are paid by the treasurer.

Q. Has that system prevailed since 1870? A. I believe that has been the custom all the way.

Q. In what bank do you keep your account at present? A. We keep it now in the Metropolitan National Bank.

Q. In what manner do you purchase flour — in open market, by contract, or how? A. In open market.

Q. You exercise your discretion as to the proper prices to be paid for all articles that are purchased? A. Yes, sir.

Q. And you make all purchases for Ward's Island of all articles that are consumed there? A. Except meat, milk and coal.

Q. Except coal, which, in one or two instances, has been let out at contract? A. Yes, sir.

By the CHAIRMAN:

Q. In all cases does the certificate of the superintendent of Ward's Island, that the goods have been delivered, accompany the audit of the bill? A. Yes, sir; the signature is attached to the bill — written on the bill itself.

Q. The bills are paid on the bills rendered by the seller upon the certificate of the superintendent? A. And the store-keeper.

Q. They make no personal inspection themselves to see whether the goods have in fact been delivered? A. No, sir.

By Mr. WAEHNER:

Q. Do you purchase such things as medicine and drugs for use for the island? A. Yes, sir.

Q. Is there any other person connected with the commission entrusted with the purchase of goods for the use of Ward's Island, except yourself? A. No person.

By the CHAIRMAN:

Q. When you make the purchases, do you keep a memorandum of them? A. I give a written order to the parties selling the goods.

Q. Do you keep a copy of that order? A. Yes, sir.

Q. Is the order a general order, or in detail? A. It is in detail; the requisition that is made, which is handed to me, states exactly.

Q. When you audit the bill, you compare the bills which are returned to you with your requisition? A. The finance committe do that; the commissioners themselves do that.

Q. Now, for instance, taking an article, like flour, in what quantities do you purchase that? A. One hundred barrels usually at a time.

Q. Coal has been bought, excepting in the cases where contracts have been made, as you stated here, in what manner — the number of tons usually? A. Usually the winter's supply together.

Q. How is salt bought? A. We use very little salt around here.

Q. Will you turn to the reports, and let us have, as near as you possibly can, the number of emigrants that were on the island during the year 1870 — the highest average? A. The total number cared for in 1870 was 16,601; the number of days they spent there was 541,811.

By Mr. VOSBURGH:

Q. What is the weekly average? A. One thousand six hundred and nine a week.

Q. During the year? A. During the year.

By Mr. WAEHNER:

Q. Five hundred and forty-one thousand eight hundred and eleven days? A. Yes, sir.

Q. And 16.601 cared for? A. Yes, sir.

Q. On what page of your report does that appear? A. Page 132 of the report of 1870.

Q. Now, during the year 1871, give us a like statement? A. I should have stated there that the number of days spent in the hospital was 269,845, and 271,966 in the refuge; the hospital patients, of course, are more expensive to keep than the refuge patients.

Q. Do your reports show what the *per capita* expenses were at that time? A. No, sir.

Q. Now, during 1871, give us a like statement? A. The total number cared for in 1871 was, 14,369; the number of days spent in the hospital was, 262,826; the number of days spent in the refuge was, 254,834.

By Mr. VOSBURGH:

Q. What was the average per week? A. One thousand four hundred and fifty-three.

By Mr. WAEHNER:

Q. On Ward's Island? A. Yes, sir.

By Mr. VOSBURGH:

Q. That is 207 a day? A. No, sir; that would be the average number there daily for each week.

Q. Do you mean to say that this 16,601 in 1870 was the daily average? A. Yes, sir.

By Mr. WAEHNER:

Q. Give us a like statement for 1872; A. The total number in 1872 cared for was 15,818.

By Mr. VOSBURGH:

Q. Have you not made a mistake; do you have from 1,400 to 1,600 patients a day? A. Yes, sir; in 1871 there have been as many as 2,500 inmates there in one day; in 1872 15,818; number of days spent in refuge 293,917; number of days spent in hospital 263,279; 1,606 daily average, made up once a week.

By Mr. VOSBURGH:

Q. That is, it averaged 1,606 patients there a year daily? A. Yes, sir; the daily average during January was 2,547, but during the year it averaged 1,606 a day.

By Mr. WAEHNER:

Q. Now, 1873? A. The total number cared for in 1873 was 12,942; the number of days spent in the refuge was 268,069; the number of days spent in hospital was 268,267.

Q. Now, the average weekly attendance? A. Was 1,526.

By Mr. ALVORD:

Q. It seems to me they were there pretty continuously? A. They come and go; there were 10,000 discharged in a year.

Mr. ALVORD — One thousand five hundred every day; the result must be, as a matter of necessity, that they were there a good deal of the time.

By Mr. WAEHNER:

Q. Give us the certain number of days, as far as they were cared for? A. Five hundred and thirty-six thousand days.

Q. Now, give us the same statement for 1874? A. The total number admitted in 1874 was 6,745; the number of days spent in hospital was 141,719; the number of days spent in refuge was 72,957; daily average per week 972.

Q. Can you give us a statement of the average cost of the care of each emigrant during those years from 1870 to 1874, and during the six months up to the 1st of July of this year; also a statement of the total amount paid for the care of the emigrants on Ward's Island, excepting for salaries and repairs of buildings and construction money? A. Yes, sir.

Q. Can you give us that now? A. It would be better to do it a more complete from.

Q. Will you explain this system of moneys being paid to counties for the care of emigrants; I see, for instance, the commissioners of emigration, from one of your reports in the city of New York, have received money for the care of emigrants; why are not those emigrants sent to Ward's Island to be cared for? A. Those in New York are either lunatics or vagrants taken up and committed to Blackwell's Island, and the expense of their support there is charged to the commissioners of emigration; the commissioners of charities and correction have an officer who ascertains whether those people are less than five years in the country, and he ascertains the name of the ship they came on, and obtains their affidavit, and at the end of the month he presents their affidavit, with a bill for the cost of their support and maintenance from Blackwell's Island.

Q. Do you inquire into these certificates so presented, or have you any means of verifying their correctness? A. We have, sir; their statement must agree with the books of the department; if a person says he came here on such and such a ship we examine the register and find out if it is so; if we don't find his name recorded on it the bill is rejected by the chairman.

Q. Do you keep a list of all persons that enter Castle Garden? A. Yes, sir.

Q. So, then, you take these affidavits and refer to your books, to see if they are there? A. Yes, sir; we do that in the case of every applicant, no matter whether from Ward's Island or where.

By Mr. WAEHNER:

Q. Does this commission hold itself responsible to pay for emigrants who may be arrested on criminal charges and sent to Blackwell's Island, and cared for there? A. Under the law they are required to reim-

burse the counties any charge they are put to out of the commutation fund, as far as that will enable them to do so; if they have not funds in the commutation fund, the law does not seem to make sufficient claim to it.

Q. You testified awhile ago about persons being sent to the lunatic asylum, for instance, from the county of New York to Blackwell's Island. Does the commission pay for their keep there? A. They transfer them as soon as they are able to be transferred to Ward's Island; some of them are not in a condition to be transferred.

Q. Do other counties in the state do the same? A. Yes, sir; nearly all the counties send claims; they are verified by the affidavit of the superintendent of the poor, or other authority or overseer.

Q. Do other county authorities send you at any time emigrants to your place? A. They do; they are brought here from other states at will.

Q. Is there any provision of law, or what is the time which you allow for their care and keep by those different counties in the state? A. We don't allow them to keep them unless they are unable to find employment, or are sick, and then they are bound to state the causes.

Q. I ask you if the counties keep those emigrants the same time that the commissioners are obliged by law to keep them on Ward's Island, and whether the commutation money is responsible for their care in those outside counties for that same period? A. The same law applies.

By the CHAIRMAN:

Q. Whose affidavit do you act upon in paying commutation for the support of any person chargeable with it in counties or cities? A. The affidavit of the emigrant and then the affidavit of the superintendent of the poor attached to it.

Q. By the law of 1863 you were not required to pay at any time after two years provided the party is capable of earning a livelihood; what means can you take to ascertain whether a party for whom the claim is made is capable to earn a livelihood? A. The certificate of our medical attendant here.

Q. Suppose a man is up in Delaware county, your medical superintendent don't go up there to ascertain whether the man is physically able to labor? A. No, sir; but we accept the affidavit of the superintendent of the poor; he must state the disease that the man is laboring under, and the reason for his disability; this law didn't go into effect until the month of May, 1875, so we have not had much experience in it.

Q. What is the reason that this act has not been enforced before? A. We were advised by counsel that parties who arrived previous to the passage of that act were still a charge for five years.

Q. That would not apply to emigrants that came since 1873? A. No, sir; two years had to elapse since their arrival, so that brought it up to 1875.

Q. I see from your reports that the institution is not self-supporting? A. It is not, sir.

Q. Have you any idea that you have matured as to how it could be made self-supporting? A. The income of the commission always depends upon the volume of emigration; we are paying now for the five years previous; if the emigration should become again active, if the commutation fee was at a little more increased rate, it would probably make it self-supporting.

Q. From your knowledge of the working of this institution, in your judgment, would it be advisable for the legislature to increase the commutation in order to make it self-supporting? A. I think the emigration at this port was larger when the commutation was at $2.50, and the emigrants were well cared for; I think it attracted emigration.

By Mr. SCHUYLER:

Q. Suppose emigration should continue to decrease, might not the institution then be self-supporting also, after the lapse of a time? A. No, sir; I think not; excluding the present indebtedness, you mean?

Q. Yes, sir? A. I think it could hardly be self-supporting at a commutation fee of $1.50, at the present rate of emigration.

By the CHAIRMAN:

Q. The larger the emigration the greater your expenses, as a matter of course? A. Not necessarily.

Q. For support? A. No, sir; it depends on the year; for instance, the principal portion we are caring for now are not those who landed this year.

Q. What rate of emigration, in your judgment, would be required to make it self-supporting at a tax of $1.50? A. I think with an income of $300,000 a year it could be carried on well — 200,000 emigrats at $1.50 each.

By Mr. WAEHNER:

Q. What was the number arrived last year? A. One hundred and forty thousand.

Q. And the year previous? A. Two hundred and sixty-six thousand eight hundred and eighteen.

Q. And the year before that? A. Two hundred and ninety-four thousand five hundred and eighty-one.

By Mr. VOSBURGH:

Q. When the commissioners meet do you act as secretary to the board, when they are in session? A. Yes, sir.

Q. In 1874, after they found that they were not going to get an increase of head-money, and the commissioners knowing that their expenses were exceeding their receipts, what action did they take, if any, in relation to the decrease of expenses, dismissing employees, etc; did they take any action in 1874? A. They reduced the salaries and expenses very materially since this year.

Q. Was there no action taken at any meeting in the spring of 1874, after it became known that the legislature would not increase the head-money? A. In June, 1874, they dismissed a large number of their employees, and also their superintendent.

By Mr. WAEHNER:

Q. With the present clerical force employed by the board, can the operations of the commission be carried on successfully? A. Not as well as it should be; I will explain that; just at present the labor bureau is carried on at the expense of the Irish and German emigrant societies.

Q. Is that the only requirement that is needed? A. There would also be some more clerks needed.

Q. How long has the commission been in operation with the present force of employees — how long have you worked with the present force? A. With the force just at present since the first of this month; there was a reduction made the first of this month; the labor bureau was taken care of by these societies.

Q. Was that the only reduction made? A. There were other reductions made.

Q. Prior to that time were the operations carried on successfully? A. I think they have been rather limited for the last six months.

By Mr. SCHUYLER:

Q. Are you doing the work of other men besides yourself? A. Yes, sir.

Q. How many? A. In former years there used to be a superintendent, and an assistant superintendent and treasurer.

Q. Now they are combined in one? A. Yes, sir.

By Mr. WAEHNER:

Q. Now you are discharging the duties of four men? A. Yes, sir.

By Mr. GEDNEY:

Q. If you are discharging the duties of treasurer, it is his duty to make purchases? A. Yes, sir.

Q. Can you, discharging your other duties as you should do, buy as cheap or at as good advantage to the commission as if you had more leisure time to do that buying? A. I think I have ample time to do it.

Q. You think you have the time? A. Yes, sir.

By the CHAIRMAN:

Q. The expensive articles you buy in open market? A. Yes, sir.

By Mr. GEDNEY:

Q. Could you discharge that duty as it ought to be done if emigration was full? A. No, sir.

Q. Of course the less emigration the less you have to do in that line? A. Yes, sir.

By Mr. WAEHNER:

Q. I understood you to say that the chief changes made were simply in the labor bureau since the 1st of June? A. Besides that, in the information bureau.

Q. In what respect was that cut down? A. Two clerks were dismissed from them.

Q. Is the work of the information bureau now carried on? A. Yes, sir; by the detailment of clerks from other bureaus, and making them do more duty.

Q. What are the office hours of the clerks? A. The regular office hours are from eight o'clock until five, but when passengers are landing they remain here as late as nine o'clock at night.

Q. What were the chief changes made before the 1st of June, since the 1st of January? A. The treasurer, Mr. Bergen, resigned since the 1st of January.

Q. What was his salary? A. $4,000.

Q. What were the duties of his office? A. To take charge of the books of the office, and make purchases of supplies.

Q. Any other changes? A. Yes, sir; several gate-keepers have been dismissed, and there has been a general reduction in salaries.

Q. Of all the clerks? A. Nearly all.

By Mr. SCHUYLER:

Q. Did they reduce your salary notwithstanding you do the work of four men? A. No, sir; they didn't reduce mine; I believe I am the only exception.

By Mr. WAEHNER:

Q. Who was your predecessor as superintendent? A. Mr. Webster; the office is abolished; Mr. Webster was secretary and superintendent, and so was Mr. Casserly.

Q. What was his salary? A. Both the salaries were $6,000.

Q. Did the superintendent do any buying? A. No, sir.

Q. The treasurer heretofore has done all the purchasing for the board or at least since 1870? A. No, sir; about January, 1873, I think it was, the purchasing was done by the superintendent of Ward's Island.

Q. Who was the superintendent? A. Mr. Wells.

Q. Where is Mr. Wells now? A. He does business and lives in Brooklyn; he was superintendent of Ward's Island at a salary of $3,500 a year.

Q. What is the salary of the present superintendent? A. $1,200 and a house.

Q. Did Mr. Wells have a salary and house also? A. He had a salary of $3,000 a year, a house and the living of himself and family and servants; the present superintendent gets $1,200 a year and has to keep himself.

Q. He has the house and furniture free? A. Yes, sir, and gas and coal.

By Mr. ALVORD:

Q. What were the aggregate salaries of the positions which you now occupy; I understand you occupy two or three positions? A. I suppose about $13,500.

Q. What do you get? A. I get $2,500.

Q. Do you get any perquisites outside of your salary? A. Not a cent.

Q. Don't you live at the expense of the people in any way except that you draw $2,500? A. I have to make that cover the ground.

Q. What has been the effect, in the first place, of the reduction of the charge of head-money? A. It has been that the receipts have not been able to meet the expenses.

Q. I want to ask you directly, in that connection, who paid, really, that head-money? A. It is paid by the ship-owners to the commission and indirectly by the emigrant.

Q. Take it as a whole, not exceptional cases, has the reduction of the amount of head-money paid inured to the benefit of the emigrants, or to the benefit of the ship-owners? A. In my opinion to the benefit of the ship-owners; the price of passage has been very low; it has been one-half what it has been for years up to two months ago, and since then it has been increased; the passage has not been reduced since the reduction.

Q. Has the reduction of the head-money benefited the emigrant or benefited the ship-owners? A. I think it has benefited the ship-owners.

Q. It has had nothing whatever to do with the cost of passage-money? A. I think not.

By the CHAIRMAN:

Q. That makes the ship-owners antagonistic to the interest of the commission then? A. Yes, sir.

By Mr. ALVORD:

Q. Now, sir, another question in connection with that; how has the emigration compared for the last year, or year and a half, with the emigration previous; what is the percentage of loss on emigration? A. It is about fifty per cent, very nearly, of alien emigration; that is for this six months, compared with the six months of last year for the same time; at the time the reduction was made, the next year there was an increase; the following year a decrease, and the following year a still more decided decrease.

Q. What has been the percentage of decrease for the time since the reduction from $2.50 to $1.50? A. The first year it has been an increase.

Q. I mean take the whole time; what has been the annual percentage of decrease, giving the benefit of that increase? A. It was reduced in the middle of May; I have only got the figures here for the total.

By Mr. VOSBURGH:

Q. You don't think this charge of head-money has any thing to do with the emigration? A. No, sir, I do not.

By Mr. ALVORD:

Q. That is answered by your answer to the question that the decrease of head-money; is it to the benefit of the ship-owners rather than the emigrants? A. Yes, sir.

Q. Has the question of the $2.50 or $1.50 head-money any thing whatever to do with the decrease or increase of emigration? A. I think it has no effect upon it.

Q. Has it any effect upon emigration? A. No, sir; I think not.

Q. Have you any idea that the price of head-money for the port of New York, as contrasted with the price of head-money, or any other, in any other part of the United States, drives away or brings to New York any increase of emigration? A. I think, instead of driving it away, that the maintenance of this institution by the head-money of

the commutation has attracted emigration to the port of New York.

Q. Then you say the question of the price of head-money has nothing whatever to do with the question of the superiority of the port of New York over the others, so far as driving away emigration from New York is concerned? A. No, sir; I think not.

Q. But I understand you to say that the facilities granted to the emigrants, through our system of emigration, are so large that any amount of head-money which we have heretofore exacted rather attracts emigration than draws from it? A. I think a proper rate of commutation to support the institution—

Q. I am talking about any that we have ever had; the care and protection, and all that sort of thing, of the emigrant here has been more than compensating for any amount of head-money that we have heretofore charged them, and we have got from that a larger amount of emigration? A. That is my opinion.

By Mr. SCHUYLER:

Q. In other words, the care and attention you give to emigrants through this bureau, has attracted foreigners here rather than to other ports? A. Yes, sir; in fact I do not think that an emigrant, seeking to purchase a passage on the other side, except in very rare cases, knows any thing about head-money; they do in Ireland and Germany and England know about Castle Garden, and the facilities that are given to the emigrants here for landing.

Q. It is the knowledge of the fact that care is taken of the emigrants at this point beyond any other point of the United States, that gravitates them here rather than to any other point on the coast? A. I think so.

By Mr. VOSBURGH:

Q. Did I understand you to say that you thought this bureau could be self-supporting at $1.50 a head? A. No, sir; I said that would depend on the volume of emigration; I said 200,000 emigrants at $1.50 a head would make it self-supporting.

By Mr. ALVORD:

Q. Now, I want to ask you this question; do you think that since the declination of emigration you have as rapidly as you ought to reduced the clerical force and the expense of the institution, or have you held on with the anxiety and desire for a larger emigration with a larger force than would have been exactly necessary if you had known the exact amount of emigration? A. I think that would have

applied up to the first of January of this year; I think the force kept on might not have been so large during the winter months, but it was not thought that emigration would fall off as largely as it has done.

Q. Then your answer is, that during the last six months of the year 1874, if you had been conscious of a rapid diminution in emigration, you might have dispensed with a considerable amount of the clerical force that you did employ? A. I think the board might have dispensed with some.

Q. Since 1874 you think you have reduced your clerical force and consequent expenses, and kept the establishment going as low as you think you could? A. I think so.

Q. Since what time have you reduced it to that minimum? A. It has been greatly reduced since 1874.

By Mr. VOSBURGH:

Q. How do your monthly expenses stand now, compared with the month of January; for instance, take the month of June with the month of January, 1874, how does your clerical force stand? A. I think much less.

By Mr. GEDNEY:

Q. Was the price of passage to the emigrant immediately reduced, upon the reduction of the head-money? A. No, sir; it was not.

Mr. SCHUYLER moves that when the committee adjourn, it adjourn to meet on Saturday, July 17, at 10 A. M.

Mr. ALVORD moves, as an amendment to the motion of Mr. SCHUYLER that the committee meet at 10:30.

Mr. SCHUYLER accepted the amendment of Mr. ALVORD, and the chairman put the question as amended, and it was carried.

By Mr. VOSBURGH:

Q. What was your pay-roll for the month of January, and what was it for the month of June? A. The total pay-roll for January, 1875, at Castle Garden, was $4,094.79:

May, 1875	$3,813 79
June, 1875	2,841 81
July, 1875	2,531 82
January, 1874	7,637 14
May, 1874	5,132 16
June, 1874	4,517 48
July, 1874	5,203 42

Q. You gave me the statement here for the month of January, 1875, for what it cost for the clerical and labor in Castle Garden? A. Yes, sir.

Q In the month of January, 1875, the cost was $4,094.79. The corresponding month of last year, 1874, the cost was $7,637.14, showing a decrease this year of $3,600; in the month of May, 1875, it is $3,813.79, and the corresponding month of 1874 it is $5,132.16, making a decrease of $1,319; the month of June this year, it is $2,841.81, and in June, 1874, it was $4,517.48, showing a decrease of about $1,700; for the month of July of this year it is $2,531.82, and the corresponding month of 1874, it was $5,203.42, showing a decrease this year of $2,700, over 50 per cent; if in lieu of the small amount of emigration that was coming last year, last year the amount of emigration being only about one-half of what it was in 1873, and the commissioners coming a year ago this spring before the legislature and asking an increase of head-money, and, as I understood, stated to the legislature they anticipated a decrease, and therefore thought it necessary to have an increase of the head-money, if they had reduced their expenses last year in the same ratio they have since the legislature adjourned this year, they would have probably saved a good deal of money, would they not? A. They would have saved some money.

Q. And could undoubtedly have carried on the institution last year with the same clerical force that you are now employing? A. I think not; we have only 50 per cent emigrants this year less than last year.

Q. And last year you had 50 per cent less than you had the year before? A. Very near.

Mr. SCHUYLER moves that the committee do now adjourn.

Motion carried.

The committee adjourned to meet at Castle Garden on Saturday July 17, 1875, at 10:30 A. M.

NEW YORK, *July* 17, 1875.

The committee met at Castle Garden at 10:30 A. M., pursuant to adjournment.

Present — Hon. Jeremiah McGuire, Chairman, and Messrs. Alvord, Gedney, Vosburgh and Waehner.

Henry J. Jackson, recalled:

By Mr. WAEHNER:

Q. In relation to the Catholic chapel or church which was built on

Ward's Island, will you tell us what that cost? A. Yes, sir; $34,177.80.

Q. Was there any contract for the building of that? A. Yes, sir.

By Mr. VOSBURGH:

Q. What is that $1,000 charged for; do you include that in the cost? A. Yes, sir.

Q. Then it will make $35,177.80? A. Yes, sir.

By Mr. WAEHNER:

Q. Have you procured the other contracts from Mr. Schaick? A. No, sir; Mr. Schaick is not in town, but I have got copies of them as they are entered on the books.

Q. Who had the contract for the building of that chapel? A. Charles O'Connor had the contract for the mason work, Rickard & Casey had the contract for the carpenter work, George F. Maklee had the contract for the steam furnaces.

Q. In what manner were those contracts given out? A. I presume they were given by advertisement in the usual way; I see there were a number of bids put in for the erection of it, according to the books

By Mr. ALVORD:

Q. What date were those contracts? A. The 23d of January, 1872.

By Mr. WAEHNER:

Q. For the Catholic chapel? A. Yes, sir.

Q. Now, will you give us the dates of the other contracts called for yesterday? A. In regard to the lunatic asylum there was a good deal of work done upon one of the main pavilions before those contracts were entered into; there was one portion of the asylum as it stands now, erected before the contracts were entered into.

Q. What was the cost of that; just turn to the contracts and give the different dates? A. The contract of Charles O'Connor, for the mason work for the lunatic asylum, is dated the 13th day of May, 1872.

Q. Are you sure it was for the lunatic asylum; I understood you to say that was for the Catholic chapel? A. That was for the lunatic asylum; the first one was for the chapel.

By Mr. GEDNEY:

Q. You didn't give the contractor for the chapel, only the cost of it? A. Yes, sir; Charles O'Connor.

By Mr. WAEHNER:

Q. What is the date of the contract for the chapel? A. The 23d of January, 1872.

Q. Give us the dates of the other contracts called for yesterday? A. Charles O'Connor, May 13, 1872; Guy & Dupe —

By Mr. ALVORD:

Q. What did they have a contract for? A. They had a contract for carpenter work.

By the CHAIRMAN:

Q. What date was the Guy & Dupe contract? A. May 13, 1872.

Q. The same date as the O'Connor contract? A. Yes, sir.

Q. Those contracts are on what page? A. The first one is on page 20 and page 25.

Q. What is the name of that book? A. Contract book; Gillis & Goeghegan had the contract for steam heating, dated May 13, 1872.

By Mr. GEDNEY:

Q. Steam heating for what? A. The lunatic asylum.

By Mr. WAEHNER:

Q. I ask you for those contracts that were called for yesterday? A. Robert Ennever had the contract for the plumbing of the lunatic asylum, dated May 13, page 37; there was a further contract entered into on July 21, 1873, with Charles O'Connor for mason work, earth pipe and brick archway for the lunatic asylum; that is on page 42; it is only a memorandum of it; a further contract was made on the same date with Gillies & Geoghegan for steam fitting for the physician's residence, which I presume is the physician's house that is connected with the lunatic asylum.

Q. What page is that on? A. Page 42; that is only a memorandum.

By Mr. ALVORD:

Q. You say the gentleman who has these in custody is absent? A. Yes, sir; Mr. Schack is a trustee of the German hospital, and they are building some buildings about the same as we had on Ward's Island, and he wished to have all the papers so that he could use them for the contract work.

Q. Use them to draw contracts from? A. I sent him the contracts; I don't know that he wanted them to draw contracts from.

Q. Don't he leave his papers with some one so that you can get hold

of them? A. I sent to his house last night, and they could not find them; they thought he had them locked up.

By Mr. WAEHNER:

Q. He was out of town? A. Yes, sir; another contract of July 31, 1873, with John Feller & Co., for the iron window guards for the lunatic asylum.

Q. What page is that on? A. Pages 42 and 43 of the contract book; there is another contract under date of September 20, 1873, with Mr. Fritzsimmons, to do all the tinning and leading of the veranda, painting and work on pavilion No. 1 of the lunatic asylum.

Q. Now, the contract for the sea-wall? A. Yes, sir; I have got the contract here for that.

Q. Just give us the date of that, and the name of the party? A. For building sea-wall, dated July 25, 1870, the agreement is with Andrew Clark.

[Paper marked "Exhibit No. 3. July 17, 1875. W. F. B."]

By Mr. VOSBURGH:

Q. What does he agree to build it for? A. For the sum of sixty-three cents per cubic foot.

By the CHAIRMAN:

Q. What kind of a wall is it at that price? A. It is banked up with clay; James W. Husted was treasurer of that committee.

By Mr. ALVORD:

Q. Do you know this Andrew Clark? A. No, sir.

Q. You don't know what his business is? A. No, sir: I have no knowledge of the building of the sea-wall myself, personally.

By Mr. VOSBURGH:

Q. Is there any of that wall sunk; do they have to crib the bottom part of it? A. I should think so; yes, sir.

By Mr. GEDNEY:

Q. Do you see any minutes of any proposals, whether there was any competition for that? A. I have not looked for any.

By Mr. WAEHNER:

Q. You say you don't know Andrew Clark, the man who had this contract? A. No, sir.

Q. You don't know where he lives? A. No, sir

Q. With regard to the hospital extension, have you got that contract here; when was this contract for the sea-wall completed? A. I don't find any payment made after 1871.

Q. Do any of those certificates show the amount of the number of feet that was done? A. I have not read them myself, and have not looked at them.

By Mr. ALVORD:

Q. Can you explain why they departed from this contract in failing to have the certificate, etc., of this man O'Neil? A. I have no personal knowledge of the making of the contract, or any thing connected with it.

Q. This contract reads that this work is to be done in a substantial manner, to the satisfaction and under the direction of the architect, John O'Neil, and to be testified under the writing or certificate under the hand of said O'Neil, and also shall provide such good and proper and sufficient material of all kind whatsoever, as shall be proper and sufficient, etc.; now, the specifications on the part of this contract you don't produce? A. I can explain that, Mr, O'Neil, the commissioner, discharged him from further care of the lunatic asylum on the charge of being the architect of it.

Q. But the lunatic asylum was not began until 1872? A. Yes, sir; they were at work on it in 1870, but not on contract.

By Mr. GEDNEY:

Q. Mr. O'Neil is an architect in this city? A. But he is dead now, sir; he brought a suit against the commissioners.

By the CHAIRMAN:

Q. After O'Neil was dispensed with by the commissioners, did they employ another architect in his place? A. I think they stopped the building of the sea-wall then; they employed another architect, Mr. Renwick, but I think he only took charge of the building at the lunatic asylum.

Q. Did the commissioners of emigration have any person building the sea-wall after the dismissal of O'Neil? A. I could not say, sir; I don't know.

Q. Where does Charles H. Hearn live? A. He lives in Peekskill.

Q. Are there any other contracts, that I called for yesterday, that I have here? A. There are some contracts here for the extension of the hospital, but I don't know that they exactly apply to that; I have a contract here for the erection of coal-gas works.

By the CHAIRMAN:

Q. Have you any personal knowledge of the contract for the building of the sea-wall? A. No, sir.

By Mr. WAEHNER:

Q. Or, can you furnish the committee with any evidence connected with the matter of the erection of it? A. No, sir.

By the CHAIRMAN:

Q. Nor for the contract? A. No, sir.

Q. Nor of the manner of performing the work? A. No personal knowledge.

Q. All the knowledge you have is from the books which you find in the office? A. Yes, sir.

By Mr. VOSBURGH:

Q. Do not your books state the number of cubic feet that were paid for the building of the sea-wall? A. I presume they should do so but I have not examined it.

By Mr. WAEHNER:

Q. I understood you to say that after John O'Neil ceased to be connected with this department that there was no other person on whose certificate this money was paid out except those that you have given here? A. I do not know.

Q. Would the books of the department, or the minutes of the commissioners, show the name of any such person, if there was any? A. I think the bills that were paid show the certificates on which they were paid.

By the CHAIRMAN:

Q. Are there any measurements of the work as it progressed on file in your office? A. I have not looked for them.

Q. Or any final measurement? A. I have not looked for them.

By Mr. WAEHNER:

Q. Will you tell the committee, in answer to the requisition made on you yesterday, the amount annually expended for emigrants on Ward's Island, independent of the cost of construction and repairs, and the *per capita* of each emigrant during the several years, independent of salaries; after stating the gross amount of cost each year I would suggest to you to state the *per capita* each year? A. The daily

cost, as we have got it; in 1870, $189,665,44; that was the total spent in 1870 for supplies, independent of salaries, rents and construction.

By the CHAIRMAN:

Q. That is simply for supplies? A. For the general maintenance of the institution in 1870.

Q. Exclusive of salaries and construction account? A. Yes, sir, the daily cost for supporting was 35 cents; for 1871, $199,848.75, the daily cost was 38 cents; in 1872 it was $180,513.10, the daily cost was 30 cents; in 1873 it was $170,582.10, the daily cost was 31 cents; in 1874 the total cost was $101,529.72, the daily cost was 47 cents.

By Mr. VOSBURGH:

Q. That is the cost for sustaining each emigrant? A. No; that is the daily cost for supporting each emigrant of those that were there.

Q. In the statement you have rendered for the expenditures of the year you say for 1870 for the support of Ward's Island institution so much money? A. That includes salaries and construction, etc., 1875, for six months, the total was $35,200.71, the total cost was 31 cents.

Q. Will you give the committee an explanation of the cause of the increase of the daily cost for the support of the emigrant of 1874, as compared with that of 1873? A. In 1874; previous to 1874 the number of days spent in the refuge is about the same as those spent in the hospital; the number of days spent in 1874 in the hospital is as 142,000 to 72,000; the expense of keeping hospital patients is much larger than keeping those in the refuge; that is the only cause I know of.

By Mr. ALVORD:

Q. The expense of the hospital patients is an expense that is enhanced by the cost of medicine, and the cost of a particular kind of food, which is beyond that, in expense and value, of that spent in the refuge? A. Yes, sir; it is a generally better diet all through, and, besides that, in 1874 there were two hundred insane; they are always an expensive class of patients; they require a considerable amount of clothing, and I think they consume double the amount of food of an ordinary hospital patient.

By Mr. WAEHNER:

Q. Do you mean to say that the health of the emigrants on Ward's Island is in a more improved condition now than it was in 1874? A. No, sir; I don't mean to say that.

Q. I mean to say there are less comparatively in the hospital than there were in 1874? A. Yes, sir; much less.

Mr. VOSBURGH — I would like to have the salaries for Ward's Island *per capita*, and what the average total cost of a patient *per capita* per day is, for the entire expense, including support — every thing except construction.

By Mr. ALVORD:

Q. In making up this statement of the cost of supplies, you include, as a matter of course, I take it, all of the cost of the board of those salaried officers who are boarded, in addition to their salaries? A. I include there every thing that was paid out during those years, for those years, except repairs, salaries and stock when bought; that is all.

Q. That includes, as a matter of course, also, in stating the amount you paid *per capita* for the support of these emigrants, the actual cost of the sustenance, as far as food is concerned, of those you board? A. Yes, sir.

Q. The officers you board? A. Yes, sir.

By the CHAIRMAN:

Q. For instance, in your examination the other day, it appeared that for 1870, 1871, 1872 and 1873, you boarded a certain number of officers; in your statement that you have made *per capita*, you include what you have furnished those gentlemen for their board? A. Yes, sir.

By Mr. WAEHNER:

Q. Since 1872, don't you board any one? A. We board only the ordinary nurses; we don't board any of the superintendents or physicians; clerks, or any persons of that nature, we don't board; we only board the nurses who are in the rooms.

By Mr. GEDNEY:

Q. Upon the certificate of an architect, what is the rule after a person has completed so much work, after it reaches the commissioners? A. I think the commissioners have considered they were bound to pay upon the certificate of the architect.

Q. It passes their supervision? A. They examine into it, but I think they have always held themselves bound to pay on the certificate of the architect.

Q. They pay on his certificate? A. The certificate is indorsed by three commissioners, and the check is drawn to the order of the party, and signed by three commissioners.

The CHAIRMAN — Still the commissioners would not have any knowledge that one bit of work was done.

By Mr. WAEHNER:

Q. Who were Bonnell & Adams? A. Bonnell & Adams were commission merchants; Charles W. King was supply clerk, and Leonard R. Welles superintendent of Ward's Island; he was treasurer and purchaser of the board.

By the CHAIRMAN:

Q. How many buildings have you got on Ward's Island? A. They are so numerous I could hardly tell you at present; there are quite a number; there are only four principal buildings; there is a lunatic asylum, the Verplanck asylum, the nursery building, and the barracks and the store-house.

Q. Was this chapel commenced under the present commission? A. No, sir; it was very nearly completed under the other one.

By Mr. ALVORD:

Q. When was the Protestant chapel commenced? A. That was some seven years ago; that was an old building.

By the CHAIRMAN:

Q. When was this mortgage of $100,000 given? A. In February, 1874.

Q. At whose suggestion was that mortgage given? A. The money was received.

Q. At whose suggestion was the mortgage given? A. The mortgage was to be given; the money was borrowed by the board.

Q. At whose suggestion? A. The commissioners borrowed the money, and obtained the consent of the state officers to do so.

Q. To get the money to pay the ordinary expenses of the institution? A. Yes, sir.

Q. When was that law passed, was it passed prior to 1871? A. Yes, sir; it was passed in 1850.

Q. Had any mortgage ever been given before this one of 1874? A. Yes, sir.

By Mr. ALVORD:

Q. Can you not conveniently get hold of, and bring here for us the laws appertaining to your institution? A. Yes, sir; I don't know any law that is not here except the law of 1871 reducing the head-money.

Q. 1871 and 1872? A. There was not any thing done in 1872.

Q. Well, the law of 1871? A. Yes, sir; I can get that.

By the CHAIRMAN:

Q. At the time you gave this mortgage for the loan that you men-

tion, was there any effort made by the commissioners to reduce expenses, to make your expenses to conform to your receipts, or did they keep up after that the same number of employees and the same amount of expenses that you had prior to the giving of the mortgage? A. I think the expenses were kept up to about the same until May, 1874.

Q. Then from May 1874 until, say, January, 1875, the reduction in the expenses was comparatively trifling? A. No, sir; they were very large in May, 1874; the expense of the superintendent and several clerks was larger.

Q. When you made the loan of $100,000, did that pay all the indebtedness of the commissioners at that time? A. No, sir; I think not.

Q. Can you state how much balance remained? A. I think the indebtedness of the board at that time was only what was due the counties from April preceding, and the rent of Castle Garden.

Q. Was that unpaid? A. That was unpaid and the counties were unpaid for seven or eight months previous.

Q. I suppose you understand that the payment of your ordinary expenses had preference over any payment to the counties? A. So I understand.

Q. That you are under no obligation to pay counties unless you have funds to pay them with? A. From the commutation fund.

By Mr. VOSBURGH:

Q. How long have you been treasurer? A. Since January, 1875.

Q. In 1874 were the expenses reduced? A. They were reduced in May, 1874.

Q. Was the treasurer's salary reduced in May, 1874? A. No, sir.

Q. I see by the minutes of the meeting held June 23, that there was a motion made by Commissioner Stevenson to reduce the salary of the treasurer to $3,000, and on another motion it was amended to reduce it to $3,500, and the motion was lost? A. I will explain that by saying that at that time it was the first time the treasurer commenced to make purchases.

By Mr. WAEHNER:

Q. You occupy the position of treasurer and secretary and superintendent only since the 1st of January, 1875? A. Yes, sir.

Q. Prior to that there was a treasurer? A. Yes, sir.

Q. And a secretary? A. No, sir.

Q. You were the secretary? A. Yes, sir.

Q. And you had a superintendent until July, 1874? A. Yes, sir.

Q. In the person of Mr. Webster? A. Yes, sir.

By the CHAIRMAN

Q. You have no other incumbrance on this property except the $100,000? A. No, sir.

By Mr. WAEHNER:

Q. I think you stated that the debt due to the counties in 1874 was about $75,000? A. Yes, sir.

By the CHAIRMAN:

Q. Were you connected with the office when the law was passed reducing the head-money? A. Yes, sir.

Q. When was that law passed? A. May, 1871, it was reduced from $2.50 to $1.50.

Q. Can you state at whose suggestion that law was passed? A. No, sir; except it was on the recommendation of the board.

Q. The board of commissioners recommended the passage of such a law? A. They passed a resolution to that effect; I believe it did not meet the unanimous opinion of the board.

Q. Who was the counsel for the board at that time, if they had any? A. I think General Jones; it was either General Jones or General Hillyer; General Hillyer took charge very soon after.

Q. If you have any knowledge you may state what the cost of that representation was? A. I have no knowledge except the knowledge I have of the resolution that was passed, which is stated in their report.

By Mr. WAEHNER:

Q. Have you got the minutes of the board on that occasion showing who the dissenters were? A. Yes, sir.

Q. Can you refer to those at the present time? A. Yes, sir.

By the CHAIRMAN:

Q. I think from your statement that in 1870 the commissioners had $326,000 or $336,000 to their credit, and that in 1871 there had been quite an inroad made upon that fund, and at that time your expenses were largely increasing, you were expending large amounts of money for construction; under such circumstances can you state how the board came to recommend a reduction of the income, and, if so, I would like to have you state it? A. I could not state it.

Q. It appears from the statement you made that in 1871 a petition was made to the legislature to reduce your income by reducing the head-money, though your receipts, as large as your emigration then

was, were not paying expenses for construction, etc.? A. I know it, and the board in the very next report made to the legislature said they were mistaken in asking to have the head-money reduced.

Q. Did the counsel of the board at that time strongly urge the adoption of the resolution which the board did adopt? A. I have no knowledge of it.

By Mr. WAEHNER:

Q. Will you read from the minutes of the board on that occasion? A. Yes, sir; I read from the minutes of February 2, 1871:

"The special committee of the three appointed on subject of railroad transportation and commutation money have conferred with the various steamship agents as to their views on a reduction of the same reported as follows:

"NEW YORK, *February* 1, 1871.

"The committee to whom was referred the subject of the reduction of the commutation money beg leave to report that in response to an invitation extended to the various steamship companies for an interchange of views on the practicability and effect of a reduction.

"The following steamship companies, amongst others, were present. The Cunard Company, the Inman Company, the Williams & Guion Company, the National Line, the General Transatlantic Company, the Bremen & Hamburg Company.

"The gentlemen representing the steamship companies were unanimous in support of the commutation as existing at present under the authority of the State of New York.

"Mr. Williams, of the Williams & Guion Line, expressing himself to the effect that he would prefer seeing the commutation money doubled rather than that the commission should be abolished.

"While expressing these views the gentlemen representing the shipping interest were also of opinion that the commutation money should be reduced to the lowest point compatible, with the support of your institution, and also suggest the propriety of a representation of their interest by the election of one of their number to a seat in your board.

"The opinion of a majority of these gentlemen was that the commutation money should be reduced to $1.00 *per capita*, and in support of these views Messrs. Williams and Schwab particularly dwelt upon the importance to the commerce and general interests of the port of New York of reducing all charges on its shipping to the lowest point.

"They further expressed themselves that, while disinclined to promise an immediate reduction in the price of passage commensurate with the reduction of the commutation money, yet they were of the opinion that it would ultimately have that effect.

"Your committee, therefore, recommend that your board recommend to the legislature to reduce the commutation to $1.50 per head.

"Respectfully submitted,

"WILLY WALLACH,
"WILLIAM R. BARR,
"JAMES LYNCH.

"On motion of Commissioner ———, the report was accepted and adopted.

"Commissioner Nicholson offered the following preamble and resolution:

"WHEREAS, It is the desire of this board to conduct its business with the least possible expense consistent with due regard to the proper support of the immigrants in its charge, and with the least possible embarrassment to the shipping interest of the port of New York; and

"WHEREAS, A committee of the board having conferred with representatives of various shipping houses in this city, have reported in favor of a reduction of commutation money to the sum of $1.50 instead of $2.50, the present rate; now, therefore,

"*Resolved*, That this board do report to the legislature of this state, now in session, its intention to carry on the business of the commission on the basis of $1.50 per head commutation money, provided the legislature approves the same.

"Commissioner Hart offered the following resolution:

"*Resolved*, That the president be instructed to transmit to the legislature, now in session, a copy of the same.

"Carried."

Q. What is the vote? A. There is no note here of the vote; Commissioner Schack informed me himself that he was not in favor of it

Q. Will you turn to the minutes of the meeting previous, and see whether any action was taken in relation to that matter, and the appointment of this committee to visit the steamship companies who offered the resolution? A. It was a special meeting, held at the board room January 30, 1871.

"Present -- Commissioners O'Gorman (president), Bell, Willmann, Hart, Wallack, Schack, Barr and Nicholson.

"The object for which the meeting was called — the consideration of the reduction of the head-money — was taken up.

"Commissioner Nicholson offered the following resolution:

"*Resolved*, That the president be authorized to include in the annual report to the legislature a recommendation that the head-money be reduced to $1.50.

"Commissioner Hart offered as a substitute the following resolution:

"*Resolved*, That the subject of a reduction in the head-money be referred to the special committee on a reduction of railroad fare, to examine into the subject and report at the next meeting of the board what action, if any, can be made.

"Commissioner Bell offered as an amendment to resolution of Commissioner Nicholson:

"*Resolved*, That the amount of reduction be seventy-five cents, thus making the head-money $1.75.

"Commissioner Barr offered the following resolution, as an amendment to that offered by Commissioner Hart:

"*Resolved*, That the committee of three, raised by the resolution of Commissioner Hart, be requested to confer with the ship-owners before reporting to the board.

"The question having been taken on the resolution offered by Commissioner Nicholson it was lost, Commissioners Nicholson, Bell and Wallack voting in the affirmative, and Commissioners Schack, Hart Willmann and Barr in the negative.

"The question being on the resolution of Commissioner Hart, as amended by Commissioner Barr, Commissioner Nicholson moved that the resolution be laid on the table, which was lost, three commissioners voting in the affirmative, and four in the negative.

"The resolution was then adopted, four commissioners voting in the affirmative, and three in the negative."

Q. Who were those commissioners; were the ayes and noes taken? A. No, sir.

Q. That appears to have been a special meeting, called for that particular purpose; will you refer to the regular meeting previous, and see what action was taken there in relation to the matter? A. I might say, incidentally, that I find here that the meeting previous to that General Jones resigned.

Q. When did he resign? A. The record as it is here states as follows:

[The witness did not read the record.]

Q. Do you find any thing in the regular business meeting in relation to calling a special meeting for the special consideration of this subject? A. No, sir; a special meeting could be called upon the request of three members.

Q. Who was your counsel prior to General Jones? A. I don't know who was.

Q. How long did General Hillyer continue to be your counsel? A. He continued until about July, 1873.

Q. Who was then appointed your counsel? A. Wm. H. Scott.

By the CHAIRMAN:

Q. Had the legislature, until 1871, been requested to raise the tax? A. Yes, sir; I think they had been requested every session, until 1871.

Q. By the board, officially? A. The reports recommended the legislature to increase it.

Q. Do you see any reason why the legislature has not complied with the request of the commissioners? A. I do not.

Q. Do you know whether the commissioners have done any thing toward procuring the increase of the amount of head-money, except by recommending it in a report to the legislature? A. They have caused bills to be introduced, which were in a minority in two sessions, and personally appeared before committees of the house, and asked that those bills be passed.

Q. And you know no reason why the bills did not pass? A. I know no reason.

Q. Do you know, or have you heard, of any opposition from any quarter to the passage of such a bill? A. We always find opposition from the steamship companies.

By Mr. ALVORD:

Q. What is the number of emigrants that have arrived here from the 1st of January, 1875, to the 30th of June? A. 47,310.

By Mr. WAEHNER:

Q. I see here is an item of $5,500, in the report of 1871, for legal expenses; can you tell us now what the item would indicate — what was it for?

Mr. ALVORD moves that when the committee adjourn it adjourn to meet at Castle Garden on Monday, July 19th, at 10:30 A. M.

Mr. VOSBURGH moves, as an amendment to the resolution offered by Mr. Alvord, that when the committee adjourn it adjourn to meet on Tuesday, July 20th, at 10:30 A. M.

A vote was taken upon the amendment offered by Mr. Vosburgh, and it was lost.

A vote was then taken upon the original resolution offered by Mr. Alvord, and it was carried.

THE WITNESS — I believe legal expenses were incurred to defeat a bill in congress abolishing the State institution in 1871.

Q. Do you know who that was paid to? A. I think General Hillyer.

Q. Had General Hillyer at that time a partner in business. A. I don't know.

By the CHAIRMAN:

Q. I see in the report of the commissioners that the commissioners have some understanding, expressed or implied, with the steamship companies that the price of passage shall be lowered in consideration of the reduction of the head-money, and the next year the committee report that their anticipations in that respect had not been realized; that there had been no reduction of passage money; that is a fact? A. It is indicated in this report of the special committee that there was the understanding, and I heard it from various commissioners.

Q. It is a fact that the price of passage had not been reduced? A. It had not been reduced.

Q. You say that you understood last winter the increase of the head-money had been opposed by certain parties? A. I know it was, for I was there.

Q. In whose interest was that opposition? A. In the interest of the steamship companies.

Q. Did you understand that they employed and paid persons to go to Albany to oppose the passage of any such bill? A. They had their counsel there, and I suppose they would not go without being paid.

Q. Who were their counsel? A. Rudd and Casserly.

Q. Are they lawyers? A. Yes, sir.

Q. Is Mr. Casserly a lawyer? A. His brother is.

Q. Did you understand they had other parties opposing aside from their counsel? A. No, sir; I don't know that they had; Mr. Wakeman opposed it the year previous.

By Mr. WAEHNER:

Q. Was any one else in the legislature of 1871, that you know of, opposing the bill? A. I could not say, sir.

By the CHAIRMAN:

Q. And with this opposition of the steamship companies the commissioners have been unable to get any legislation for the relief of the commission? A. That is a fact, sir.

By Mr. WAEHNER:

Q. I see also in the year 1872 a charge of $3,454 for legal expenses aside from the legal expenses of the regular counsel. Will you be kind enough to give us full information both in relation to that and in relation to the other matters? A. I will, sir; but I cannot speak about it now.

Mr. VOSBURGH moved that the committee do now adjourn.
Carried.

The committee adjourned to meet at Castle Garden, Monday, July 19th, at 10:30 A. M.

NEW YORK, *July* 19, 1875.

The committee met at Castle Garden at 10:30 A. M., pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Vosburgh, Waehner and Gedney.

Garret Bergen sworn:

By Mr. WAEHNER:

Q. You were the treasurer of the commissioners of emigration at one time? A. I was.

Q. What time were you appointed to that position? A. June 3, 1873.

Q. How long did you continue? A. Until January 4, 1875.

Q. During that period what were the duties of your office? A. The duties of my office, up to November, 1873, were only as treasurer.

Q. And after that? A. I became purchaser, also, by appointment of the board.

By the CHAIRMAN:

Q. Purchasing supplies? A. Yes, sir.

By Mr. WAEHNER:

Q. All the supplies used on Ward's Island? A. Yes, sir; and also mainly at Castle Garden.

Q. State to the committee the manner in which you made your purchases? A. The requisition came down to me from Ward's Island, signed by the superintendent and by the chairman of the Ward's Island committee, stating the supplies which were required, excepting

the contracts which were made for meat and milk by the board, about which I had no concern whatever; I went into open market and marketed for the supplies, buying where I could the cheapest, and in the interest of the commission; and by the interest of the commission, I mean economical interest.

Q. From whom did you, as a general thing, buy flour? A. I bought flour of Hollister & Chamberlain.

Q. Were they the only persons you bought from? A. There were other parties I made purchases from, but they were so unsatisfactory that I came back again to Hollister & Chamberlain.

Q. During this time, what method did you adopt to ascertain the market value of the articles you purchased? A. By consulting shipping lists and the ordinary mercantile means, canvassing among different houses.

Q. You purchased medicines also? A. Yes, sir.

Q. Did you adopt the same method in relation to them? A. Yes, sir.

Q. And in fact in relation to all goods that you purchased? A. Yes, sir.

Q. In what quantities did you purchase flour? A. In relation to flour, it being a very large purchase, by advice of, and on consultation with, the commissioners, particularly the Ward Island committee, we anticipated a little the market on flour; as, for instance, at the time of the closing of the canals, we would buy flour in large quantities in the fall of the year, rather than in the spring of the year.

Q. Did you, at any time, enter into any contract with any persons for flour to be delivered at Ward's Island, or at Castle Garden? A. I was not empowered to enter into a contract; the board was the only means by which contracts could be made; I will give you an example of the way we worked, so far as the flour contract was concerned; we watched the market, and when large quantities were required for consumption, at those times I would consult with Commissioner Stevenson mostly, and the other members of the board who were acqaainted with the facts, and make a sort of verbal contract for the delivery of 500 barrels of flour, for instance, fixing the price, but not delivering it, except as required; you may call that a contract, in a legal sense, but not in a mercantile sense.

Q. In such a case did you fix the price of the article? A. Undoubtedly.

Q. In any case of that kind was the price at any time increased? A. It invariably increased in the market; we bought at a disadvantage to the seller, so that they would have been glad to have got out of the bargain.

Q. I ask the question whether in any case the prices that you had

agreed upon originally were increased at the time that the goods were delivered? A. No, sir; never.

Q. You made verbal contracts with certain conditions as to the delivery of 500 barrels of flour, saving the trouble, as you have stated awhile ago, of taking the flour all at once; now when the flour was ultimately delivered did you in any instance pay larger prices than you had originally contracted for? A. No, sir; never

By the CHAIRMAN:

Q. The flour was delivered at the price agreed upon? A. Yes, sir.

Q. The price agreed upon at the time when the contract was made? A. Yes, sir.

By Mr. ALVORD:

Q. I understand you to say, in the same connection, the result of this kind of bargain was to get the flour at a less price than at the ordinary market? A. Yes, sir.

Q. You anticipated the regular market? A. Yes, sir.

By Mr. VOSBURGH:

Q. The flour was to be delivered to you as required? A. I will explain; we would agree to order 500 barrels of flour; we would not have the place to stow it in, or the money to pay for it at the time, but we would agree for 500 barrels at a certain price and have 100 barrels delivered one month, 150 barrels the next month, 150 barrels the next month and 100 barrels the fourth month, making up the 500 barrels, paying for each lot at the price named originally.

By the CHAIRMAN:

Q. And if the market price fell you would still pay the price fixed upon? A. Yes, sir; but in no instance did the market fall.

By Mr. VOSBURGH:

Q. You say that in no instance did the market fall; how long were you purchasing agent? A. From November, 1873, until I resigned my office.

Q. When was that? A. I resigned in December, to take effect on the 4th of January, 1875.

Q. And at no time during that period did the price of flour fall below the contract price you made? A. Never.

Q. You were very fortunate? A. Yes, sir; you may call it good fortune, that is the modest way of speaking of it.

By Mr. WAEHNER:

Q. What quality of flour did you usually purchase? A. We bought a mixture — three kinds; one kind called rising quality, the other kind for cheapness, and the other kind for quality.

By Mr. ALVORD:

Q. What do you mean by rising quality? A. What the bakers call for rising.

Q. About how much of each kind? A. About one-third of each.

By Mr. WAEHNER:

Q. Did you make it a practice to buy goods, all these different supplies, of one concern or of several; dividing them up? A. I made it a practice to buy of several, but it ultimately resulted in my buying pretty nearly of one concern for each different kind of goods; I bought drugs and medicines of the firm of Kisson & Robbins; flour of Hollister & Chamberlain; dry goods of Teft, Griswold & Kellog; groceries, mainly, of Schuyler, Son & Co.; miscellaneous articles, I would purchase to the best advantage, going from place to place; but do not forget the fact that I was continually in the market trying if I could do better, incidentally trying other concerns, and if I could purchase to better advantage.

Q. Who made the contract for milk? A. As to names and figures, running back so great a length of time, I cannot be expected to be familiar with them so as to answer questions immediately without referring; here is my book, which will refresh my recollection; the contract with milk was with the American Condensed Milk Company, and preceding that with the Eagle Condensed Milk Company.

Q. Did you, during your term of office, make any purchases of coal? A. Yes, sir.

Q. Or enter into any contract for the purchase of coal? A. I never entered into any contract.

Q. Do you know any thing about a contract being made during your time of office? A. In the matter of coal, I made purchases for the commissioners.

Q. How did you buy coal? A. A requisition would be made similar to the requisition for other supplies, and the purchase would be made by us; I never made a purchase of coal at any time without consulting with the commissioners after marketing around among the different companies, and bringing to the attention of the commissioners the different prices, the conditions, the terms and the particulars upon which different companies would furnish the coal.

By the CHAIRMAN:

Q. How much coal would be needed for a year for your establishments? A. From February, 1874, to December, 1874, their was 3,244 tons used.

By Mr. WAEHNER:

Q. Nineteen thousand one hundred and forty-seven dollars and eighty-six cents for coal during that time? A. Yes, sir.

By the CHAIRMAN:

Q. How much per ton? A. A little over $6; I cannot give the exact figures.

By Mr. ALVORD:

Q. Does that include the delivery? A. It includes every thing; in the case of the Delaware, Lackawanna and Western Company there was a rebate for unloading our own coal; we unloaded our own coal at Ward's Island, and then the company made a rebate for the cost of unloading as agreed upon.

By Mr. WAEHNER:

Q. You said that you purchased your groceries of one concern? A. I said mainly.

Q. That included butter? A. No, sir; butter I purchased of other concerns.

Q. What concern did you purchase butter of? A. Butter was purchased mainly of Armstrong & Morrison.

Q. Do you know any thing in relation to the meat contract? A. No, sir; I know nothing about it whatever.

By the CHAIRMAN:

Q. In regard to the coal, of whom did you purchase? A. We purchased of different concerns; the Delaware, Lackawanna and Western, the Pennsylvania Gas-Coal Company, and the Youghegbany Coal Company.

Q. Did you buy in large or small quantities at a time? A. Of the gas-coal we did not purchase much at a time.

Q. Coal for daily consumption? A. We bought of that more largely, of course; for instance, in October, 1874, we made an agreement to purchase about ten cargoes, which I bought of John C. Scott & Sons, Philadelphia.

Q. Did you buy at retail or wholesale prices? A. We bought at wholesale prices; low prices.

Q. About what was the retail price of coal here? A. About $7.50 to $8 at that time.

By Mr. VOSBURGH:

Q. At what time of the year did you usually make your purchases of coal? A. In the fall of the year, before the close of navigation.

Q. Could you not have made your purchases more advantageously in the months of May and June, than in the fall? A. Inasmuch as I was not instructed to do it, I cannot say as to that.

Q. Did you do the buying of all the coal? A. Under the instructions from the commissioners.

Q. All steamboat men, as a general thing, and all large coal dealers — those who buy for the retail trade — make their contracts in the months of May and June, and you will find, by looking at the lists of prices of the large coal companies, that you can buy coal cheaper in the months of May and June — about a dollar a ton than you can at any other time of the year. A. That may be so.

By Mr. ALVORD:

Q. I know in my experience with the Delaware, Lackawanna & Western Company, that on the first day of June I order from 25 to 30 tons of coal, to be delivered when I want it, and paying for it then, and I make a saving of $25.00 to $50.00. A. The commission did not have the money to pay in that way.

By Mr. VOSBURGH:

Q. How many tons of coal did you burn in a season at Ward's Island and at Castle Garden? A. I should say about 2,500 tons; no, I am mistaken, it was over 3,000 tons.

By Mr. WAEHNER:

Q. Did you at any time seek to make any arrangement for the delivery of groceries, or make any contract with parties for the delivery of groceries from time to time, fixing certain prices for them throughout the year, or for a term of months? A. No, sir.

Q. Did you ever seek to make any such arrangement? A. No, sir; except in regard to sugar for a short time; sugar was a large purchase; but never for any thing else of that character, as I understand your question.

Q. Don't you think that you could have purchased goods at a greater advantage in that way than by purchasing them in quantities from time to time? A. It must be borne in mind that I could not think; I was instructed to do a certain thing, and I did it.

Q. I understand that, but I want an answer to the abstract question whether or not goods could not have been purchased in a more advantageous way as I suggest than purchasing them from time to time; you have had experience and we would like your opinion? A. As a matter of opinion I think I could not have done better than I did do.

By the CHAIRMAN:

Q. You think you could not have got the goods any cheaper by making a contract than by the manner in which you did purchase? A. No; I think not.

By Mr. VOSBURGH:

Q. Is it not customary in different institutions of this kind to make contracts for furnishing all materials; I mean in large institutions of this kind is it not customary to advertise for contracts for the lowest bidder? A. I never had any experience in any other institution, and therefore can only answer the question by what I heard.

By Mr. WAEHNER:

Q. The commissioners of charities and corrections in this city purchase their goods in that way? A. Yes, sir; and I was continually in competition with them; I was continually on their heels and watching the purchaser for the commissioners of charities and corrections and attempting to beat him in a small way, as he purchased in large quantities; I visited Blackwell's Island and saw the kind of goods that they purchased and the prices they were paying and I followed in their tracks and attempted to buy in small quantities at a less price than they bought in large quantities.

By Mr. VOSBURGH:

Q. Don't you think it would be advantageous in an institution of this kind to advertise and make contracts for provisions; where you have 1,600 or 1,700 people on Ward's Island every day, don't you think it would be an advantage to make a contract for six months? A. My judgment is based upon the experience of the board of education in Brooklyn, of which I was a member for ten years, and the contract system there proved to be an utter failure; I believe that an honest, capable and honorable purchaser can go into open market and buy goods quite as advantageously as by any contract, so far as the quality and the prices are concerned.

By the CHAIRMAN:

Q. You think that a better quality would be obtained by purchasing in open market than by relying on contracts? A. Yes, sir.

By Mr. VOSBURGH:

Q. But where an institution depends upon a purchaser, unless he works in the interest of the institution, he is liable to show favoritism to some person outside; whereas, by purchasing on the contract system, it brings competition, and, it seems to me, it is more advantageous to institutions of this kind to make contracts, than to buy through a purchaser daily? A. I believe, in general, that your principle is correct, but I believe that an institution, having an honest, honorable and capable purchaser, will do as well by purchasing in open market.

Q. You contracted for your meat? A. Yes, sir.

Q. Then why was it not as good policy to contract for other matters; if it was good judgment to contract for the meat at six months, at a certain price, why would it not be good judgment to contract for groceries and flour? A. I think the principle which I enunciated is good in both instances; the commissioners made contracts for meat and milk, and that ended it, so far as I was concerned.

By the CHAIRMAN:

Q. I suppose that none of the other articles fluctuated so much in price? A. I think not.

Q. In groceries the prices did not fluctuate as much as in meat. A I think not.

Mr. VOSBURGH — Take sugar and flour; I was surprised at your stating that in making contracts for flour for four months, that at any time during the contract the price of flour was not less in the market than the contract price, for flour is a thing that fluctuates a good deal.

Mr. ALVORD — Not much during the last few years.

By Mr. WAEHNER:

Q. In tea and coffee there was very little fluctuation? A. We bought very little tea.

By Mr. ALVORD:

Q. From 1874 to 1875, what was the average price of a barrel of flour of the different grades that you have mentioned? A. I should think about $7, looking hastily at the account.

By Mr. VOSBURGH:

Q. What kind of flour did you use? A. Three kinds.

Q. Did you use any middlings? A. By that technical term, I do not know.

Q. That is the cheapest kind of flour; at the Albany penitentiary they say that they have as good bread as at any public institution in the United States, and there they buy the cheapest kind of flour — mid-

dlings, or refuse of the flour; it is sold very cheap, at from $4 to $4.50 a barrel? A. We bought some flour — I don't know the technical term — at as low a price as $4 or $4.50; at Ward's Island they have the reputation of having the best bread in the United States, also; and I know, as a matter of experience, that they have better bread at Ward's Island, buying that cheap grade of flour, than I can produce in my house from flour for which I pay $10 a barrel, for I never bought my own supplies at the same place where I bought supplies for the commissioners.

By Mr. ALVORD:

Q. Did you purchase any fine flour for the institutions? A. No, sir.

By Mr. WAEHNER:

Q. What had been your business prior to the time of purchasing for the board? A. A merchant.

Q. In what branch of business? A. The business of carte board, stationery, etc.

By the CHAIRMAN:

Q. Had you any experience in the management of the institution prior to becoming treasurer? A. Never; and I hardly knew of it until I came here as treasurer.

Q. Did you observe its workings during the eight months that you were here? A. Somewhat.

Q. In all its departments? A. Merely in connection with the financial department; my attention, as treasurer, was called to the financial department, and not to the administrative or executive department.

Q. From your observation as to the working of the institution, what, if any, defects in its working existed, in your judgment, or what recommendations would you make for its improvement, if any improvement is needed? A. That is a very large question in the abstract; my judgment about the matter is this: that the commissioners have been steadily going on from good to better; that they have been getting rid, continually, of unnecessary things, and have steadily advanced to an economical and excellent government of the institution.

Q. My first question included that; what defects, in your judgment, existed while here; was there any unnecessary force employed, for instance? A. When I first came here, yes, sir; there were, I believe, eight or ten clerks attached to the treasurer's office, who were all simmered down to one.

Q. The others being sinecures? A. They were not sinecures; they had something to do

Q. They had their pay to draw? A. They had work to do, but the work was divided up.

By Mr. WAEHNER:

Q. Did they observe any regular office hours? A. Yes, sir, invariably.

By the CHAIRMAN:

Q. The duties performed by the eight or ten clerks could have been performed by a less number, in your judgment? A. Yes, and subsequently were; almost immediately.

By Mr. VOSBURGH:

Q. When did the great reduction in the clerical force take place around Castle Garden — during your administration? A. Yes, sir; shortly after my entrance into the commission.

Q. In 1873? A. Yes, sir: from time to time, at my suggestion, the clerks attached to the treasurer's office; where a clerk could be dispensed with, on my suggestion to the commissioners he was dispensed with.

Q. Don't you think that the clerical force for the working of the institution was a great deal larger than necessary, considering that the emigration is only 50 per cent of what it was in 1873? A. I must say that I cannot tell how the work has been accomplished with the reduction of the force that has been made; there is a point at which the reduction of force must retard the department, and I think that point has been arrived at.

Q. Since the 1st of June, they have reduced the force to a great extent? A. Yes; I suppose because they could not pay them.

Q. But the work of the commission goes on just as well? A. I doubt if it does goes on as expeditiously and advantageously to the emigrants.

Q. There are no complaints? A. I think my friend behind me (Mr. Jackson), a man who has to work 14 hours every day, including Sunday, has a right to complain.

By the CHAIRMAN:

Q. I suppose that the actual force necessary is the same as if the emigration was larger than it is? A. Undoubtedly; it requires as large a force to take charge of 500 emigrants as it would to take charge of 1,000; or perhaps that is too large a percentage; I will say that it takes as large a force to take charge of 75 as it will of 100; a merchant may not be doing within 25 per cent of the business that he was doing at other times, and still require as large a force.

Q. Does each department of the business require some one to see to it whether the number be large or small? A. Yes, sir.

Q. And there is a necessity of having some one business to attend to attend to each department of the business? A. Yes, sir.

Q. But in your judgment, when you came into the employment of the commissioners, there were many persons employed here whose services could be dispensed with, and whose services were dispensed with, in fact? A. I don't say many; I say that some were, and they were dispensed with as rapidly as possible, and their places were not supplied.

Q. Those persons who were apparently unnecessary, were their salaries large or small? A. Small salaries, invariably.

Q. That was in 1873? A. Yes, sir.

By Mr. VOSBURGH:

Q. Now, being treasurer of this institution — we will take the case of the merchant — and after you had found out that your business, as a merchant, was fifty per cent less than it had been, and that you were running in debt, day in and day out, and could not see that there was any chance for your getting up again, don't you think that you would endeavor to reduce your expenses to meet that case? A. Undoubtedly I do, and that is what these folks have done.

Q. It does not seem, from the statement that Mr. Lynch made, that the expenses have been reduced in the proportion of the reduction of immigration? A. You cannot — because immigration has reduced fifty per cent — reduce the expenses fifty per cent.

Q. But, according to your statement, you could reduce the expenses twenty-five per cent; and you say they did last year? A. So far as salaries are concerned; perhaps it is an abstract answer as to the percentage of the number of employees in proportion to the reduction of immigration.

By the CHAIRMAN:

Q. The question I put to you related to the clerical force, but I intend to ask you this further question: with an immigration of, say, 300,000 a year, and that immigration reduced now to 150,000, or nearly one-half, could you not reduce your expenses on Ward's Island? A. I should judge they could be reduced, but the percentage of reduction would not be so large as the reduction of immigration; there must be a larger expense of clerical force in proportion.

By Mr. WAEHNER:

Q. The expense in Ward's Island would be in the way of supplies? A. Yes, sir.

By the CHAIRMAN:

Q. Now with a large immigration the number of persons supported by the commissioners would be larger than with a less immigration? A. I don't know how the figures would show as to that; it might be that with a small immigration there would be as large a number on Ward's Island as with a large immigration.

Q. It would depend on the health of the immigrants? A. Yes, sir.

Q. And it is not a test of the number on Ward's Island that the immigration has been reduced? A. The immigration is no test of the number on Ward's Island.

Q. That depends on the health of the immigrants and their condition when they arrive? A. Yes, sir; the law gives those who arrive here the right to seek relief within five years; 1873 was a hard year, and several persons who were out of employment drifted down here where they could demand relief, and they were sent to Ward's Island.

Q. Can you state from your knowledge while in the institution what proportion of the immigrants remain in the state and what proportion leave the state? A. No; I cannot state; it would not come under my notice.

Q. Will the records of the commission show? A. The number that remained in the state and the number that went out—I am not sufficiently familiar to say.

Q. You know the fact that a large proportion of the immigrants for the last few years has gone to the western states? A. Yes, sir.

Q. Is there any provision in the law that requires the commissioners to support an immigrant who leaves the state? A. My impression is that the law requires that he should remain one year out of the state before he forfeits the right to relief.

By Mr. WAEHNER:

Q. Can you state what, in your opinion, would be a sufficient income to carry on the operations of the board, or what number of immigrants would be necessary to carry on the operations of the board, with a commutation of $1.50? A. Again I must say that for six months time I have been so occupied by other matters that these things have been driven from my head, and I cannot give an answer to a question of that sort before going over the figures; but I will state this, that it was clearly established in my mind that, on an immigration such as was expected this year, $1.50 a head would not begin to maintain the institution.

Q. What was the anticipated immigration? A. One hundred and fifty thousand.

Q. While you were in the board as treasurer, the commissioners sev-

eral times recommended to the legislature an increase of the head-money; do you know what causes prevented, or what parties, if any, made opposition to the increase of the head-money? A. I do not know, of course.

Q. What information did you have upon the subject from hearsay? A. From hearsay and observation together — because I happened to be in Albany last winter some — I judged that the opposition was being made severely by the steamship companies.

Q. But you have no knowledge of any, except such as you had from hearsay and from observation? A. I have no individual knowledge, but from hearsay and from observation I judged that the opposition was made by the steamship companies.

Q. State whether or not, persons notoriously in the interest of the steamship companies were not in Albany continually? A. My observation and the information I received, would confirm that statement.

Q. Do you know who those agents were that represented the companies? A. Mr. Bernard Casserly, I believe was one.

Q. Any one else? A. No one else that I can call to mind.

Q. Did you ever hear of a person of the name of Rudd? A. I have heard of such a person.

Q. Do you know whether he was identified with the steamship interest? A. I don't know, but the information I received would lead me to that conclusion.

Q. Do you know of any other person who at any time represented the steamship interest as you understood Mr. Casserly and Mr. Rudd did? A. I do not think of any.

Q. Did you ever receive any information of any kind in relation to that? A. None which occurs to me now.

By the CHAIRMAN:

Q. This was last winter? A. Yes; the last legislature of 1874–75.

By Mr. WAEHNER:

Q. How do you know any thing about the session of 1874? A. No, sir; I do not know except from hearing.

Q. What information have you from hearsay to communicate? A. That steamship companies were opposing it; that is all, without any definiteness whatever.

By the CHAIRMAN:

Q. Did you have a secretary as well as a treasurer when you were here? A. Yes, sir.

Q. Who was the secretary? A. Mr. Jackson; his predecessor was

Mr. Webster, who occupied the dual position of secretary and superintendent while Mr. Jackson was the actual secretary.

Q. Mr. Erastus D. Webster? A. Yes, sir.

By Mr. ALVORD:

Q. You recollect, as a matter of history, the reduction of the head-money in 1871? A. Yes, sir.

Q. What was the effect of that reduction upon the interests of the emigrant? A. Well, of course, this is not official.

Q. It is simply an opinion? A. My opinion is that it was of no effect upon the emigrant.

Q. Did it practically reduce the cost of his transportation from the other country to this? A. No, sir; I believe, as a matter of history, in which my reading will confirm me, that there was no corresponding reduction made in the fare.

Q. In connection with that, I will ask another question, as a matter of opinion and not a matter of official information; did it at all improve the volume of emigration? A. No, sir.

By the CHAIRMAN:

Q. That is, if the emigration was increased, it was not to be attributed to the reduction of head-money in your opinion? A. No, sir.

By Mr. ALVORD:

Q. If it had remained where it was — at $2.50 as against $1.50 — would it, in your opinion, have retarded immigration? A. No, I believe it would have had no practical effect upon it, unless there were some corresponding reduction in the passage money.

Q. Did the fact of that reduction to $1.50 in the first instance, take away from other points of approach to the United States, by way of Canada or any other place, the volume of immigration to this point; was there any corresponding increase or benefit to this port arising from it? A. No, sir; not in my judgment.

Q. If it had remained at $2.50, would it have thrown to Boston or Philadelphia, or other ports a larger volume of immigration arising from this port. A. In answering that my observation and opinion is that the average immigrant only knows New York; that New York is the center of attraction for all foreigners over the earth, and the matter of head-money will make no difference in immigration to this port.

Q. Your practical answer to my question is, that, in your opinion, if the head-money had remained at $2.50, it would not have affected the immigration to this port? A. No, sir.

By Mr. VOSBURGH:

Q. Taking into view the competition of western railroads, if the head-money was increased to $2.50 do you think there would be a diversion there? A. No, sir.

Q. Taking into account the fact that large schools of German emigrants come here to go out and locate in bodies in the west, don't you think that an increase of the head-money to $2.50 would have an effect? A. No, sir.

Q. You think that the railroad transportation would have no effect whatever? A. I believe not, sir.

By Mr. ALVORD:

Q. Now, upon the present immigration, which has fallen off since the reduction of the head-money, have you entered into any calculation of what would have been the status of the commission, provided the head-money had remained at $2.50? A. No, sir; I don't think I ever entered into that calculation; I heard the statement made the other Saturday in reference to it.

Q Is it your idea that if the statement compiled from the books, etc., is correct, then the result would have been that the commission would have got $1 a piece more for 90,000 emigrants, and consequently the funds of the institution would have been increased that much, provided that the expenses were kept down in the same ratio as they have been? A. That is a mathematical calculation.

Q. That is what I wanted to get at; it has been represented by the steamship men and those engaged in bringing emigrants that the increase of head-money would cause a decrease of emigration; state whether that argument is entitled to any consideration or not? A. I don't think it is.

Q. You think the decrease of emigration has been owing to other causes entirely? A. Unquestionably.

By Mr. WAEHNER:

Q. To what causes would you attribute it? A. The general stagnation of business; emigrants arriving here and finding it difficult to obtain employment in any vocation, would immediately write back that things were stagnant, and so deter their friends from coming; in times when every thing was prosperous and they could find ready employment, the emigrant would send back word, almost like the story told of Paddy, who wrote to his friend that all he had to do was to carry a hod up and down a ladder, and the man at the top did all the work.

By the CHAIRMAN:

Q. Now I wish to ask two or three questions; can you give us the practical working of this institution, from the time the passenger comes here as an emigrant until he leaves Castle Garden, to show what he gets for his head-money? A. As I remarked, my connection was more particularly with the financial department, and of course all the intimacy I had with the emigrants was when they applied for money in my possession to give to them.

Q. You did not give attention to the practical working? A. No more than common observation.

Q. In your opinion, emigration would not be diverted to Philadelphia, or to any other points or railroads, by reason of an increase of the head-money; do you know whether Philadelphia, or Boston, or any of those other points have the same facilities for accommodating emigrants which we have in New York? A. I am informed not; it seems to me, in a general answer to the question, that the extreme care and caution thrown around the emigrant arriving here is valued by him as long as he lives, and he communicates it to his friends at home

By Mr. ALVORD:

Q. Some gentleman remarked here, the other day, that owing to the peculiar care and beneficial manner in which this institution has, in the past, been administered, that the average immigrant of Europe knows only Castle Garden? A. That seems to be the impression, and it accords with what I have gathered from talking with the immigrants

Q. As they came here, have you had facilities for talking with them? A. I have had; the treasurer's office took care of their letters while I was here, and frequently we would have occasion to read them; the correspondence was all done through the treasurer's office between the immigrants and their friends.

Q. That is a material point; do you now say that the correspondence was in the main conducted through your office? A. Not the correspondence of the department, but of the immigrants; when I came here it was not done in that way; it was done through means of a post-office, but that was all thrown into the treasurer's office, and communications were sent from the immigrants and also to the immigrants from their friends, in care of Castle Garden.

Q. And I understand that largely you were permitted to be acquainted with the contents of this correspondence? A. Largely, for sometimes we required to establish indentity as to whom the parties expected letters from; these communications showed that they valued very highly the care and protection they received at Castle Garden; and often, in sending letters to their friends, the statement would be, "Commit yourselves to the care of the commissioners of emigration,

and it will be all right ;" or "Do just as they tell you to do at Castle Garden, and it will be all right."

By the CHAIRMAN:

Q. Then from your knowledge of affairs and your acquaintance with the correspondence of emigrants, is it your opinion that the care and attention and facilities furnished here would outweigh or overbalance an increase of the head-money; that is, emigrants would prefer to pay an additional sum rather than not to have that care and protection? A. It seems to me that the emigrant at large knows little about the matter of head-money; it is included in his passage-money, and he has to pay the same passage-money now as when the head-money was larger; he does not know generally why this institution is established; he knows that he receives care, but he does not know that he pays for it; it is taken out of his passage-money.

Q. I ask the question with this view; it was commented upon in Albany, last winter, that there were rival routes for emigrants, and if this head-money was continued, the tide of emigration would be turned to these rival routes, which it appears have none of the facilities that they have in Castle Garden for care and protection of the emigrant; in your judgment, would it have that effect? A. No; it is perfectly ridiculous; it would not have any effect at all; the emigrant values too much the attention to his comfort and the care and protection that he has here.

Q. That is the only argument that I have heard against the head-money, and in your judgment that is wholly fallacious? A. Wholly ridiculous.

Q. You say that when you came into the institution in 1873, the expenses of the institution were in excess of its receipts? A. Not at that time; I guess when I came here in 1873.

Q. I do not confine it exclusively to the daily expenses, but construction and ordinary expenses? A. I plainly saw that, taking into account the construction and ordinary expenses, at the ratio at which emigration was falling off, it would eventually bring the institution into the condition in which it now is.

Q. In 1873 there was a debt? A. In the end of 1873 I saw, according to the ratio in which emigration was falling off, what would happen.

Q. When you discovered that in 1873, can you state whether the commissioners, at the succeeding session of the legislature, made an effort to increase the head-money? A. Yes, sir.

Q. You were not at Albany yourself? A. No, sir; I never went to Albany in the interest of the commissioners.

Q. Can you state whether the commissioners passed any resolution

or took any action, urging upon the legislature the necessity of an increase; A. I think they did at that time; that is my recollection.

Q. But they had no one there that could compete with the steamship lobbyists? A. In my experience and observation they never employed any one to engineer or lobby for them at any time; the commissioners who went on went at their own expense, and paid their own bills; in 1875, at the solicitation of Mr. Forrest, I visited Albany, not upon that business exclusively, but incidentally, but I think there is not any charge made for that; I think Mr. Forrest paid my bill there; it was a very small one.

By Mr. WAEHNER:

Q. And, in connection with your supplies, you say that you generally consulted with the commissioners, or the members of the committee on Ward's Island, before making any purchases? A. Before making any large purchases.

Q. Did any of the commissioners, at any time, recommend to you to purchase the goods of any particular person, or at any particular place? A. No purchases were ever made by me at the suggestion or urgency of any of the commissioners.

Q. The question was whether you, at any time, made any purchase at any particular place, or of any particular party, at the suggestion of any of the commissioners. A. The commissioners would sometimes hand me the name of a dealer in a certain sort of article, and would say: "If you can get that at any less there than anywhere else, suppose you do so;" but never, at any time, was any influence used upon me by any of the commissioners, to purchase at any specific place, or for any personal reason.

Q. Can you give any instance where any commissioner did this, and the name of the party who was recommended in such cases? A. No, sir; it was of so little consequence, and so much a matter of off-hand, without any persistency, that I could not recall it.

Q. Simply an off-hand suggestion? A. Yes, sir; not with any desire to influence me.

Q. You cannot recollect now any particular instance in which it was done? A. No, sir; I think in the main I purchased from parties who were unknown totally to the commissioners or to myself.

Q. You did not know of any relationship existing between any of the parties of whom you purchased, and any of the commissioners? A. No, sir; I learned afterward that some member of the firm of Schuyler & Co. was related distantly to Mr. Quintard, but that had nothing to do with my purchasing any more than the existence of the president of the United States.

Q. You did not know of any business relationship existing between

any of the commissioners and any parties from whom you made purchases? A. Certainly not.

[The chairman here called the attention of the committee to an article published in the *Tribune* of November 21, 1874, in relation to the steamer "Queen" of the National line, which he read.]

By the CHAIRMAN:

Q. Now, I suppose that without Castle Garden, the immigrants here would be subject to the same sharpers? A. Yes, sir.

Henry J. Jackson — Examination resumed.

By Mr. WAEHNER:

Q. Have you got the statement that you were asked to produce? A. Yes, sir.

[Produces statement, which is marked Exhibit 1, A. F. W., July 19, 1875, and which is as follows:

Year.	Ward's Island salaries.	Number of days.	Per diem.
1870.....	$38,267.03	541,811	7 cents.
1871.....	47,410.55	517,660	$9\frac{1}{10}$ "
1872.....	44,774.99	557,196	8 "
1873.....	47,085.10	536,336	$8\frac{7}{10}$ "
1874.....	44,583.57	214,676	$20\frac{7}{10}$ "
1875 (6 months)	19,939.96	113,011	$17\frac{6}{10}$ "]

Q. Please detail the mode and manner of operation of this commission from the time that an immigrant arrives here in Castle Garden, the general arrangements that you have in the office; first commence on board the ship? A. We have a boarding officer who goes on board the ship.

Q. Have you boarding officers now? A. Only one; he goes directly from Castle Garden; he goes with the steamboat and the barges; also the landing officer; there are two barges and steamboats for taking off immigrants and their baggage, which are licensed, and paid by the steamship companies so much per trip; the immigrant on board has his baggage examined by the custom-house officers, who are located here, and who accompany the barges, and after his baggage is examined he receives a check for it and it is put on to the barge; the immigrant is brought to Castle Garden on the steamboat; subsequently his baggage is brought on a barge; in some instances they are both brought

together, when there is not too large a quantity or number of immigrants: when he passes into the rotunda, the immigrant is examined by the medical officer, and if he is found to have any infectious disease, or any disease which requires instant medical treatment, he is transferred to the temporary hospital in the garden; the remainder of the immigrants are examined by two officers, and if any are found who are over 60 years of age, or halt, lame, or blind, or idiots, or any thing of that character, a special record is made of them and notice is sent to the mayor, demanding a special bond from the steamship agents; the names of the immigrants are then recorded, where they come from and where they are going, the name of the vessel, and if they had ever been in the United States before, and the number of family they have with them; they are then asked by the officer of the railroad agency if they have railroad tickets, or rather railroad orders — those orders being issued by the agent on the other side; these orders are examined by the clerk of the agency, and if correct, he passes them over to the cashier, and he issues an order for the ticket; if they have money to exchange, there are two brokers admitted to the garden under the supervision of the commissioners, and they exchange his money at the current rate in Wall street, which rates are required to be posted up in the rotunda and of which we have information several times a day when they change; if any immigrants are going into the city, the officer of the express company takes up their baggage check and gives them a paper check, taking the address where they are going to in the city, or in the adjoining cities of Brooklyn, Jersey City, etc., charging them a specified rate, which is fixed by the commissioners.

Q. Are the expressmen appointed by the commissioners? A. They are; the immigrants' luggage is taken in charge jointly by the railroad companies and the express companies, and is insured; the names of all the immigrants who have friends waiting for them are called over, and they are brought out and given to their friends; also the names of those for whom any letters or remittances have arrived are called, and the letters and remittances given to them; if the remittances are to forward the immigrant inland, an officer of the commission takes charge of the forwarding of the immigrant.

Q. Those who have railroad orders, you examine them? A. Yes; the taking up of the orders is of great benefit to the immigrants; they used to be drawn upon a great many agencies, but now the railroad agency takes them up here and collects the market price of them; it saves the immigrant from hunting up in the city the person upon whom they are drawn; those having railroad tickets are taken out and their baggage obtained for them and re-checked to wherever they are going; at about four or five o'clock in the evening they are taken

on barges, employed by the Erie and New York Central Railroad companies, to the railroad depot.

Q. They are not required to pass out of Castle Garden? A. There is no necessity for it, except in regard to the Pennsylvania railroad, which is about a stone throw from here; they walk across to that, and are taken on a barge across the river.

Q. In going to the respective depots they are accompanied by the employee of the company? A. Yes, but not of the commission; the railroads represented are the Erie, the New York Central, and the Pennsylvania Central, and they are all joined in one agency, and jointly work together in disposing of the tickets.

Q. Is there any favoritism shown by the commissioners to any of the railroad companies in regard to that matter? A. No; they agree among themselves that each shall have such a share of the business, and they have one cashier, through whom all the business of the three railroads must go.

Q. Do the commissioners take any steps to watch the operations of the agency to see that they only charge fair rates? A. They do, daily; beyond that, each emigrant is furnished with an account, showing what he did pay for his ticket; even when he holds an order, the order specifies usually the amount paid in coin on the other side, he obtains the value of it in currency, and which the railroad agency collects.

By Mr. VOSBURGH:

Q. When parties go away to the railroad depot, does their baggage go with them? A. Yes, sir, and the transfer is without any cost to the emigrant from Castle Garden to the depot.

By Mr. WAEHNER:

Q. If an emigrant arrives, who has no means and has to stay here for two or three days, do you furnish him with provisions at Castle Garden? A. We do; after these processes, which I have described, are gone through, a number of licensed boarding-house keepers are admitted to solicit any of the emigrants they may obtain to go to their boarding-houses; those who have not money to proceed with to their friends, we either keep them here, or, if the time is too long, in our judgment, before the remittance will arrive, we send them to Ward's Island, and detain them there until the remittance is obtained, and then forward them to their friends; any of them who want employment are brought to the labor bureau.

Q. Do you charge for their keep? A. No, sir; no charge is made to the emigrant for any thing that is done for him by the officers of the commission, or any of the employees of the railroad or express

companies, except the specified rate of fare for transportation of luggage by the expressmen.

Q. Those who desire to go to Ward's Island, on arriving here, being sick, are immediately transferred there? A. They are transferred every second day, or if necessary, we send them every day; we have an ambulance also, so that if any one is taken sick in a boarding-house in the city, they are sent for.

Q. Describe the regulations you have in the employment bureau to protect the female emigrant from being taken to improper places? A. We require each employer that comes, to furnish a city reference as to who he is; the employer is given a card, so that if the servant he takes does not suit him, he may come and get another.

Q. Is there any thing charged for furnishing servants? A. No, sir; not a cent, either to the employer or to the employee; we have police officers furnished by the city, who go on board of the ship at the time of landing emigrants, so as to preserve order.

Q. As to the boarding-houses, is there any provision in regard to the price of board? A. Yes; each boarding-house is obliged to post up, in five different languages, the price of board per day and per week; he is also obliged to furnish to the commission on the following morning, the names of the emigrant lodgers whom he has taken from the garden, and their destination, if they have left his house.

Q. For any violation of these regulations, do the commissioners take means to punish the offender? A. Yes, sir: at their own expense, and not at the expense of the emigrant; the boarding-house keeper is obliged to file a bond with the mayor, not to injure or defraud the emigrant.

Q. Are these boarding-house keepers permitted by the regulations of the commission to exchange money? A. No, sir; it is against the rules to permit them to do so.

Q. There is a prohibitory rule? A. Yes, sir; nor are they allowed to obtain employment for them from their houses; their duty is to bring them here, and let the commissioners obtain employment for them, through the labor bureau.

By the CHAIRMAN:

Q. Are emigrants allowed to leave the Garden with the boarding-house keepers, without their names being entered? A. Yes, sir.

Q. But if they leave with the boarding-house keeper, the boarding-house keeper must make a return to you the next morning, of the names of those who are taken, and their place of destination, if they leave his place? A. Yes.

Q. Do you keep any registration of that here? A. We file away these reports every morning.

Q. When an emigrant comes here, you ascertain his place of destination. A. Yes, the state, but not the particular locality in the state.

By Mr. VOSBURGH:

Q. What is the percentage of emigrants who leave the State of New York? A. I have not figured it, but I think it is stated up to 1873 in bulk (referring); out of 5,298,207 who arrived here up to the close of 1873, or to the close of January, 1874, 1,346,906 stated their destination to be within the State of New York, and the balance out of the state.

Q. That is, since this institution started? A. Since 1847.

By Mr. WAEHNER:

Q. Have you made any inquiry, or can you give any information, as to what the financial condition of the emigrants is when they arrive here, generally? A. We never have been able to get at any exact report.

Q. Are you able to approximate? A. No, sir; it varies so much; I will give an instance — I saw among twenty families who arrived here that they had, together, a draft of $85,000; I suppose others come who hardly have eighty-five cents; It is entirely impossible to make an average.

Q. Where were those parties from? A. From Russia, I think.

Q. They were colonists to some place? A. Yes; they were going to Dakotah.

Q. In a case of that kind, do the commissioners take any charge of the draft, and see that it is properly paid? A. Yes; the reason I know about that is we took charge of the draft over night, in the safe, and got it checked for them next day.

Q. Without any charge? A. Yes, without any charge; we sometimes have to run a little risk in aiding the emigrants by indorsing their drafts, so as to get them off rapidly — some of the drafts not being paid at sight, but at three days.

Q. Have you figured up what the probable deficiency will be, even at the reduced rate of salaries and other expenses of the board? A. I can give you the exact indebtedness up to the 1st of July.

Q. What the estimated indebtedness will be at the end of the year — whether an indebtedness or a balance from the probable income of the board — from the 1st of January, 1875, to the 1st of January, 1876 — whether there will be a surplus or a deficiency? A. The deficiency for the past six months was $4,350 a month; that is exclusive of county claims, or the claim made by outside counties, which is, upon the average, $15,000 for six months.

Q. What do you think will be the deficiency for the next six months? A. I think about $3,000 per month.

Q. Exclusive, also, of the claims of outside counties? A. Yes, sir; besides that, there is coal which has to be purchased, which runs over into the next year: the supply purchased now will run over into March of next year, possibly; it will require about $20,000 for coal

Q. Purchased at the present market value? A. I think so — I think about $6 a ton now.

By the CHAIRMAN:

Q. So that the actual deficiency would be about $60,000 or 70,000? A. Yes, sir.

Q. Does that deficiency include any thing except working expenses? A. It includes every thing except county claims.

By Mr. ALVORD:

Q. Does it include any anticipated expense by way of construction? A. No, sir; merely the working.

Q. What do you estimate the emigration at for this year? A. Ninety thousand — not more.

Q. Then if you had $2.50 a head, instead of $1.50, there would be no deficiency? A. That would not carry us through this year.

Q. How much is your deficiency to 1st of July? A. Forty thousand dollars.

Q. Your deficiency for the six months ending the 1st of July? A. About $40,000, including the county claims.

Q. And what would be your deficiency for the next six months? A. Very nearly the same.

Q. That would be $80,000? A. Yes, sir.

Q. Then the result would be, that if you had $1 extra for each of the $90,000 immigrants, you would not be in debt at all for this year? A. No, sir; not for this present year; that is, exclusive of coal.

Q. The coal you calculate at $20,000? A. Yes.

Q. How much of that coal would be really consumed this year? A. Not quite one-half of it.

Q. Would there be any thing approaching one-half of it: remember that you do not commence using coal until nearly November, and not much in that month? A. Well, I think about $10,000 for coal.

Q. Then the result would be, even including coal, that if you had the extra head-money on 90,000 immigrants, you could pay all your expenses for this year? A. Yes, sir.

Q. Including the amount due to counties? A. Yes, sir.

By the CHAIRMAN:

Q. I want to know more about this business of counties; explain about these county claims? A. Under the law the counties of the state are required to take charge or care of the immigrants, and they can demand a reimbursement from this commission; the commission is required to reimburse them for the actual cost they may be put to.

Q. What means do you employ to ascertain whether the claims made by the counties are correct? A. The vouchers are brought here, and the commissioners reject what they consider extravagant.

Q. Do you send agents out to the counties to make inquiries? A. We have done so; but we have not sent one out for a year and a half; we have not had the money to pay.

Q. Take the county of Onondaga, for example; can you state what they charge per day for keeping paupers? A. Two dollars a week for children, and $2.50 for those in the poor-house.

Q. How much in Monroe? A. Two dollars and a half, and $3 for the insane.

Q. Do you have any applications for relief from immigrants who, after they landed, went out of the state and returned? A. Yes, sir; a great many.

Q. When they make applications for relief, what do you do? A. It depends upon the character of relief asked for; sometimes it is protection.

Q. Suppose they are destitute? A. We try and obtain employment for them if able to work; if sick, we admit them to the hospital, and when they get well get them employment; if they want clothes we clothe them; sometimes we make a temporary advance to send them to their friends.

Q. It was represented to me last winter at Albany, in opposition to your bill, that you made Castle Garden a kind of hospital or retreat for all the vagrants and vagabonds that came from the western states; is there any truth in that? A. No, sir; we do not have any vagabonds come from there; you find very few who get out far enough west who come back again.

Q. It was said that half a dozen vagrants would work their way from Chicago east, come to New York, and live upon the bounty of Castle Garden for the winter; is that the truth? A. No, sir; we are careful to relieve only those that are worthy, and any one who would make a permanent thing of it we would soon show them the door.

Q. It was also reported to me that one-half of the expenses of Castle Garden during the winter was for the support of that class of people? A. That is not so; we have had a great many men during the last winter who could get no work, and we would feed them on one meal a day; and they were constantly in the labor bureau, but could not get

any work; that was in the depth of winter; the moment the spring trade opened, we got employment for all of them.

By Mr. WAEHNER:

Q. I see in addition to the charge made by Onondaga of $1,111.69, there are two institutions in Syracuse, one the St. Vincent Orphan Asylum, and the other St. Joseph's Hospital that make a charge; how is it that these private institutions make a charge and that the charge is not made by the county? A. That is where the superintendents of the poor have sent these parties.

Q. Is it the same in regard to Rochester and Buffalo and Albany and Troy? A. Yes, sir.

By Mr. VOSBURGH:

Q. What is the immediate necessity of having agents through the state? A. We have but one now who is at Albany.

Q. What immediate necessity is there for an agent at Albany? A. There is a good deal of baggage lost and several complaints of emigrants.

Q. Now that there is no change of cars there? A. There are a great many go from here by boat.

Q. Do emigrants going west go by the boat? A. No, sir; only to localities through the state; that agent has been there since 1847; he is a very old man, and that is the only one that we retain now.

By Mr. ALVORD:

Q. Have you abolished all your agencies except that at Albany? A. Yes, sir.

Q. Have you any agent now at Dunkirk? A. No, sir.

Q. You would need one there more than at Albany? A. Yes, sir; or at Suspension Bridge.

Q. Why is there any necessity for one at Suspension Bridge; is there any transshipment of baggage there? A. They run the trains across the bridge, and sometimes they lie over; there also has been a great deal of complaint and trouble at Suspension Bridge.

Q. Is not the baggage checked on the Grand Trunk Railroad to places out west? A. Yes, sir.

Q. Then what necessity is there for an agent at Suspension Bridge? A. Sometimes the cars lie over there.

Q. But the baggage is locked up in the baggage-room? A. Yes; but emigrants often have complaints to make as to their treatment on the route, etc.

By Mr. WAEHNER:

Q. Occasionally they treat them like cattle? A. They treat them very well now.

By Mr. ALVORD:

Q. This is a little outside of the examination we have been making but what is the class or character of the emigrants of the present day as compared with what it was when the emigration was immense, as to their intelligence and ability to take care of themselves? A. I think about the same; there are just as many who now require care as there ever was in proportion.

Q. In proportion to the number who come? A. Yes, sir; there are not so many very poor people as in the early period of the commission, but there are a great many requiring aid and advice.

Q. Have you any way or means of determining the character of the immigrants, so far as regards the dangerous class? A. Yes, sir; we have made careful investigation in regard to that and obtained all the information we can by boarding officers and others; last year we returned six or eight convicts to Denmark and from time to time we find some parties who have been forwarded by the poor authorities, and have them immediately sent back without any expense to the commissioners.

Q. Sent back where? A. To where they came from: we compel the steamship companies to bring them back to where they got them.

By the CHAIRMAN:

Q. The usual rule of the commissioners is when they ascertain that an immigrant is a criminal or a pauper, to return him? A. Yes, sir; they use all the means in their power to find out.

By Mr. ALVORD:

Q. Is there any way, by international regulation or otherwise, to obtain a description of the character of the immigrant? A. No, sir; and I believe there is no means by which these persons could be returned, if it was against their will; I believe that Secretary Fish did make some recommendation to congress on the subject, after the board here brought the matter to his attention.

[Mr. VOSBURGH here read an editorial in the *Evening Post* of March 11, 1874, in relation to the commissioners asking for an increase of head-money.]

By Mr. WAEHNER:

Q. You were asked in relation to the legal expenses; have you prepared the account? A. Yes; I can give the items:

January 19, 1871, as it appears from the books, expenses of
William S. Hillyer to Washington $200 00

Q. What was he there for? A. From what I have heard, he went there to oppose the bill that was introduced to abolish the state commission and have the business done by the general government.

January 27 — Draft sent to W. S. Hillyer, at Washington,	$300 00
February 14 — Patrick H. Jones, account of appropriation for counsel at Washington	1,500 00
February 28 — William S. Hillyer, balance of appropriation for expenses at Washington	1,500 00
October 2 — William S. Hillyer, appropriations of the finance committee, expenses at Washington	2,500 00
Copying laws, P. H. Jones	122 00
Bill for services	94 30

Q. Is that the same date? A. No, sir; that is a small bill.

October 2 — Hefferman & Scott	25 00
Making in all	$6,241 30

Then in 1872 — February — Legal expenses in the complaint of Antoine Kornach *v.* Charles Moore	$99 50
June 30 — Hoffman case	15 00
December 31, 1872 — Disbursements in case of John O'Neil against the commissioners	350 00
Rice, Wilson & Jones, legal expenses in case of Alfred E. Beach *v.* The Commissioners of Emigration	2,990 00
	$3,454 00

Q. What was the case of Beach? A. In relation to the division of the water front on Ward's Island property.

Mr. VOSBURGH moves that the committee do now adjourn.

Carried.

The committee adjourned to meet at Castle Garden, Tuesday, July 20, 1875, at 10:30 A. M.

NEW YORK, *July* 20, 1875.

The committee met at Castle Garden at 10:30 A. M., pursuant to adjournment,

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Vosburgh, Waehner and Gedney.

[Refer to pages 4 and 5 of the commissioners' report for the year 1872; also to page 45 of the same report.]

John S. Williams sworn:

By the CHAIRMAN:

Q. Where do you reside? A. In this city.

Q. What is your occupation? A. Shipping business.

Q. How long have you been engaged in it? A. Our firm has been in existence about a third of a century.

Q. You say in the shipping business; what kind of shipping business are you engaged in? A. Specially we represent a line of English steamers, trading between Queenstown and Liverpool and New York.

Q. Any particular line, or the whole line of steamers? A. Our own line; the Liverpool and Great Western Steamship Company is the title of our line.

Q. Do you know any thing of any negotiations with the commissioners of emigration for the reduction of the head-money, so called? A. Any negotiation for the reduction of the head-money — recently?

Q. In 1871? A. I recollect we were invited by the commissioners of emigration to meet them here and canvass the matter; I don't know of any special negotiation.

Q. There was a meeting between yours and other steamship companies? A. Yes, several of the companies met; half a dozen I should think, at least.

Q. And was the matter or subject canvassed fully between you? A. Yes, sir; generally; a general opinion was given.

Q. Was it the wish and desire of the steamship companies to have the tax reduced? A. It was, so far as my knowledge goes, decidedly their wish.

Q. And that wish was acceded to ultimately by the commissioners of emigration? A. By the legislature.

Q. First by the commissioners here? A. I cannot state of that positively; I understood that some of them, at least, desired it.

Q. Do you know whether they recommended a deduction to the legislature in 1871? A. I don't really remember, sir.

Q. Either of your own knowledge or from information you received of that fact? A. All that I can recall is, I recollect in speaking with Mr. Casserly on the subject (who, as you are aware, was formerly superintendent here); the impression left upon my mind from him was that a number of the commissioners were in favor of the reduction, and that he was.

Q. Were there any statements made to the commissioners or by the representatives of the steamship companies, that if the head-money was reduced, a corresponding reduction would be made in the passage of immigrants? A. That may have been incidentally alluded to; I have heard it spoken of by the commissioners; I don't remember as regards that meeting.

Q. I will not confine the question to that meeting; at any time before the passage by the legislature reducing the head-money were any inducements held out to the commissioners of emigration, that a corresponding reduction, or any reduction, would be made in the amount of passage-money? A. My recollection about that is this, that before the reduction I don't remember of it having been suggested, although it may have been; my memory is not perfect by any means; but after the passage of the law I know that it was stated by some of the commissioners, or by the officers, that we had not reduced the passage-money, notwithstanding the head-money had been reduced.

Q. To go back to the question — can you state of your own knowledge as to whether the subject was talked about by the commissioners, that in consideration of the reduction of the head-money the price of passage-money should be reduced? A. I don't think it ever was; I have no recollection whatever of it.

Q. But you say after the passage of the law reducing the head money, the commissioners did state to the representatives of the steamship companies? A. Not as a body — I don't say that, but some of them did.

Q. Individual commissioners stated that the price of the passage-money had not been reduced; now, at the time that they made that statement to you, or in your presence, did they not also state that such was the understanding? A. I don't remember that, sir.

Q. Can you state whether there were any persons employed to go to Albany to secure the passage of the law to reduce the head-money? A. Employed by the commissoners of emigration do you mean?

Q. By any persons? A. About the commissioners of emigration I don't know; we understood that if they did not advise it, at least they gave their assent; but there was a man named Nolan, I think — on what basis I don't know — who saw most of the ship agents here who were interested, and made an arrangement with them, that if he got a reduction of the head-money, he was to have a certain compensation.

Q. Can you state the amount of that compensation? A. I will state as near as I can; the matter is before the legislature now; my recollection is, that he was to have twenty-five cents a head for the passengers arriving here for six months, or for five months; I think for six months; I am not positive, yet it appears to me that it was from the time of the passage of the law up to the 1st of July.

Q. Then you understood that he was not to have a sum in gross for his services, but a *per capita* amount? A. He was to have a certain sum per head — twenty-five cents, I think, for six months; I think from the passage of the bill to the 1st of July.

By Mr. VOSBURGH:

Q. Was it not a percentage on the difference of the amount saved — twenty-five per cent on the difference of the amount saved? A. That would be the same thing, there being a dollar per head saved?

By Mr. CHAIRMAN:

Q. Who was to pay? A. It was paid by the agents of the vessels.

Q. Can you state when the amount was paid — was it paid in gross, or from time to time? A. No, sir; Mr. Nolan, as a rule, as I recollect, used to collect it every month; every month he called at the different offices — at least he did at ours; if we had 1,000 passengers for the month, he got $250.

Q. Had you any means of ascertaining the amount which the company you represented paid to Mr. Nolan? A. Yes, I can give the approximate amount.

Q. Can you state it now? A. No, sir.

Q Will you furnish the committee with the amount? A. I will if they wish it.

Q. Will you send a statement to the committee at as early a day as possible? A. I will do it directly.

Q. Did you know Mr. Nolan at that time? A. I did not.

Q. Did you know if he occupied any position in the commissioners of emigration's office? A. I do not, sir; I never saw the man to my recollection.

Q. Who was Mr. Nolan introduced to your company by? A. I have no recollection at all; the only point that I do recollect, I think he came to the office with a document stating what he proposed doing, with some signatures, and I know it was a matter of consultation for a long time before it was finally acceded to by the steamship agents.

Q. Do you mean to be understood that you treated and negotiated with Nolan without any recommendations from parties whom you knew — took him up as an entire stranger, and negotiated that kind of arrangement with him? A. That is my belief, sir; that it was without any introduction.

Q. At that time did you have any acquaintance with Patrick H. Jones? A. The postmaster?

Q. He was postmaster first, and is now register of the city? A. I do not know him.

Q. Did you know at that time that Nolan was connected in business with Jones? A. I did not.

Q. Or with Mr. Hillyer? A. I did not.

Q. Did you know General Hillyer?* A. I don't think I did.

Q. Can you state to the committee from information which you have received from others, in connection with your personal knowl-

edge, the aggregate amount of money received by Mr. Nolan for securing the passage of that law; that is, in conversation with other agents? A. I never heard any agent state the amount they paid; I have heard the amount guessed at; that he must have had $30,000 or $40,000; that is all I heard.

By Mr. ALVORD:

Q. If he got payment according to the contract, it is a matter of computation? A. Yes; he did get his pay from us.

By the CHAIRMAN:

Q. Can you in this connection inform the committee what other steamship companies were represented at this interview with the commissioners which you have spoken of, together with the names of their agents? A. I cannot correctly; I recollect some of the gentlemen here; I recollect Mr. Dale was here.

Q. What line of steamships did he at that time represent? A. What was popularly known as the Inman line — also Mr. Schwab.

Q. What line did he represent? A. The Bremen.

Q. Can you mention any others? A. I don't think I can positively; I recollect distinctly about these gentlemen; I think there were six or seven here.

By Mr. WAEHNER:

Q. Do you recollect who represented the National line on that occasion? A. Oh, Mr. Hirst, I have no doubt he was here, but I cannot recollect positively; I think the lines were generally represented; there was a good deal of interest in the matter at the time.

Q. At the time the payments were made to Mr. Nolan, as you have stated, did he give the companies any vouchers for payment? A. I don't recollect; I presume he did.

Q. If he did give vouchers for payments made by you, those vouchers are still in the possession of the company? A. Probably in the possession of the company on the other side; I don't believe they are here; I don't recollect about that; we might simply have given him a check to order.

Q. It was a kind of proceeding that you would not have been very apt to have taken receipts in, or Nolan would not have been very likely to have given any? A. Well, Mr. Nolan represented that he had very large expenses, and had to keep a number of gentlemen employed at Albany, corresponding, etc, probably a thing that you understand quite as well as I do — hotel expenses, etc.

Q. I have heard something of the heavy expenses that these gentlemen are subjected to; their whiskey bill generally is the largest, I

imagine? A. The matter was really looked upon as of very great importance to the interests of the state; I believe it was very important; I don't think there was a gentleman in the whole community, not representing any lines, but went into the matter freely thinking so; I know I did think that it was of very great importance — in the efforts made by other places, Philadelphia, Boston, Montreal and Portland, to get this business — it was of very great importance to retain it to the port of New York.

Q. Can you state with any degree of certainty whether currency was paid to Mr. Nolan, or simply a check? A. Oh, I think a check was given.

Q. At what banks were you then transacting business? A. Oh, several banks; as regards that, I presume there would be no difficulty in giving positive information.

Q. Will you look at your books in that respect, and ascertain if you did give him a check — upon what bank the checks were drawn? A. I will, sir; I don't think there was any concealment.

Q. Subsequently you say that the commissioners — rather in a complaining manner — stated that there had been no corresponding reduction of passage-money; can you state whether the commissioners subsequently made application to the legislature to raise the head tax? A. I have reason to believe they did; yes, sir.

Q. Can you state when you first learned they made application to the legislature to raise the tax? A. I cannot with any positiveness; in the autumn of 1873, I think, when the matter was brought up and decided upon.

Q. Can you state whether you understood there was an application made to the legislature of 1874 to increase this tax? A. Yes, I think so.

Q. Did you learn that in the last session of 1875, there was an application to the legislature to raise the tax? A. Yes, sir.

Q. In 1874 did the steamship companies take any action to defeat the passage of the law by the legislature, to increase the tax? A. I believe they did, sir, individually.

Q. And did they in the year 1875 — the last session of the legislature? A. Oh, yes, just as they have always taken an interest in it; I don't think there has been any combined interest that I recollect, especially.

Q. In the year 1874, please state to the committee what means the steamship companies took to defeat the passage of the law which the commissioners proposed to have the legislature pass? A. I cannot, sir, for this reason — one reason, however — I cannot give the dates, but I was absent from the city; I think I left here the week before

Christmas, in December, and I returned about the 1st of March following.

Q. Who had charge of your office at the time of your absence? A. Mr. Guion; but I am confident there was nothing done on our part at that time; I don't recollect of any combination; we were applied to; I recollect, after my return, I was applied to by some parties, stating that some arrangements might be made.

Q. Applied to by parties to contribute in money? A. I was applied to; we were told that if we could come together some means might be adopted, or something could be done; I spoke to two or three, and they all said that they never would have any thing of the kind to do again; and I don't believe they did; they did not to my knowledge.

Q. Can you state whether the steamship company you represented in the year 1874, contributed any sum of money whatever for legislative purposes? A. I have no recollection that they did at all.

Q. Or to pay the exenses of any persons at Albany during the session of 1874? A. I have no recollection that they did.

Q. You say you were absent from December to March? A. Yes, sir.

Q. And Mr. Guion had charge of the office then? A. Yes, sir.

Q. Is he in the city now? A. Yes, sir.

Q. Have you looked at your books to ascertain whether there were any advances made on behalf of your company? A. No, I don't think I have; but I would certainly know of it, or I think I would.

Q. Take the session of 1875; what action did the steamship companies take to defeat legislation then? A. I really cannot tell you; there has been no regular combined action in the matter; the thing has been talked about.

Q. Take separate action; I am not particular whether the action was combined or separate? A. I really do not know; the matter has been talked over by me at several times; but what was done I really do not know.

Q Can you state whether you know that there were gentlemen at Albany last winter representing or assuming to represent your steamship interest? A. I cannot speak positively of that; I have some presumption upon that point, but I cannot speak positively.

Q. Will you give us your presumption? A. My presumption — or my belief. I might say — is that a gentleman who was doing business at Albany had taken some interest in the matter, but not, as I understood, acting for a combined interest.

Q. Did you understand he was acting for any separate interest? A. No, sir; I really cannot give you positive answers to these questions, for I do not know.

Q. Do you know a Mr. Rudd? A. I do not, sir.

Q. What relation did Mr. Wakeman occupy to the steamship interest? A. None that I know of.

Q. Is he the counsel for any or for all of the companies? A. I have never had any thing to do with him in the steamship companies; but while I was absent in the winter of 1873–74, I did understand that he was consulted on some points.

Q. Consulted in reference to legislation at Albany? A. I believe that was so, sir; but I don't know what it was; I never had any conversation with him.

Q. Did your company advance any money whatever, last winter, for the payment of expenses of any person at Albany? A. I don't know of any; I am very confident we have not.

Q. Directly or indirectly you have paid no expenses? A. No, sir; I would have hesitation in telling you; now, on that point, we may have paid some few hundred dollars, but of that I do not know; I say this for the reason that I have been told that we would be called upon to pay some few hundred dollars; whether it has been paid or not, I do not know.

Q. Do you understand, if that money was paid by you, to whom it was to go? A. No, sir; except that some gentlemen of the commission asked me the other day about Mr. Rudd; I never heard of the gentleman before; the agents here, as a rule, have determined to have nothing more to do with the spending of money for legislation.

Q. Then the only knowledge you have of any money being expended by the steamship companies was the sum you have mentioned as paid to Mr. Nolan? A. That is all I recollect; we have, from time to time, in the matter of legislation, given $50 or $100, or $200, or perhaps $300 — a good many times in going back through a number of years.

Q. Paying the expenses of persons? A. To send out a committee, or something or other of that kind; almost every year there is some matter springing up.

Q. These matters that spring up are matters connected with the emigrant commission? A. Not always; sometimes quarantine commission; there are divers matters coming up.

Q. In 1871, before the passage of the law reducing the head-money, what was the price of an immigrant's passage from the other side to this? A. If you want positive information, I will have to refer to figures; it was about six pounds, or six guineas.

Q. Can you state about the time the law was passed; I mean in 1871? A. I do not remember, sir.

Q. Did the rate of passage continue to be six guineas or six pounds? A. Any statistics in regard to that I would have to refer to the books for.

Q. Speaking, generally, there was no reduction during the year 1871 in passage money? A. Oh, no; I am very confident of that.

Q. You were about mentioning — although it was not taken down — which I regarded as an excuse upon the part of the company for not reducing the passage-money, that the price of coal and iron had advanced? A. Yes, sir, materially.

Q. Did it advance immediately after the passage of the law reducing the head-money? A. I cannot recall specifically about that, but the gentlemen must all know that there was an enormous advance in these articles.

Q. In the year 1871? A. Yes, in the year 1871; and it continued some time.

Q. And about how long did the advance continue? A. It continued until about a year ago, or perhaps a little more; in the spring of last year, I think, was the first important amelioration.

Q. Do you intend that the committee shall regard that as an excuse upon the part of the steamship companies for not reducing the price of passage? A. Oh, no; we did not set it forth for that.

Q. Was that the reason why the passage-money was not reduced? A. That was an argument, a self-evident fact.

Q. But was that the reason that the price of passage was not reduced? A. I should say not, sir.

Q. What is the price of passage now as compared with 1871? A. It is about £1 less.

By Mr. VOSBURGH:

Q. Does the price of head-money affect the tide of immigration at all, in your opinion? A. I think the rate of passage, of course, affects it; but the point with us in New York is, that it is all-important to keep all the expenses down to the lowest possible point, so that the neighboring ports will not take the business away.

Q. Does the rate of head-money affect the passage of the immigrant? A. Most undoubtedly it does.

Q. Then if the last legislature had raised the head-money to $2 or $2.50, would that have affected the rate of passage? A. It is difficult to say; it is a simple, economical question; that which you add to the expense or to the cost you have to put on to the article.

By Mr. ALVORD:

Q. The passage-money is governed by your competition? A. Yes, frequently so, as it is with every thing else; passage-money don't differ from any other kind of traffic that I know of.

Q. Competition governs it, and not the head-money? A. Frequently it does.

Q. The head-money simply reduces the net gain, if the head-money is increased? A. I should state it broader than that.

By the CHAIRMAN:

Q. Now, if the price of head-money entered into the price of passage, the steamship companies would not have any interest in it at all, if the price of the passage was graduated by the amount of the head-money? A. They would a great deal.

Q. If you put it on the immigrant, what interest would the steamship companies have in it? A. A very great interest; the point would be this, that to keep the business of immigration here in New York, it is of importance to keep expenses down to the lowest point; now if we can land a passenger at Philadelphia for $1 a head less than you can here, there is an inducement to go to Philadelphia, or to Boston, or to other ports.

Q. At Philadelphia, have they the same arrangements or facilities to take care of the immigrant as they have here? A. I don't think that any other port has; we are much blessed in that respect.

Q. From your long acquaintance with the immigrant business, are you not of the opinion that the facilities furnished here, to take care of immigrants, more than counterbalances the amount of head-money? A. I think it has very little weight indeed; immigrants, as a rule, have very little money, and every penny is counted: where they can get west, or wherever they are going for the least possible amount; with all the advantages of this place, which is a most admirable institution, of great benefit to the immigrant and also to the steamship companies, still I don't think it gives us many passengers.

Q. From you observation, are you not of opinion that the largest number of immigrants, upon arrival at Castle Garden, have some knowledge or information of the care to be taken of them, with all the facilities to be furnished on their arrival here, which has been communicated to them by their friends in America? A. I am not competent to speak of that, but I think very likely they would.

Q. Is it not your opinion that the care exercised over the immigrant here by the commissioners of emigration, and the facilities furnished to them, save them, after their arrival, a sum greater than the amount of head-money, if they were turned loose into the street to the scalpers and every one else? A. As I said before, this is a most admirable institution, and of great benefit to the immigrant and to the steamship companies; but as to contributing or bringing immigrants here, I doubt it very much; it is the money question that controls.

Q. I suppose you have some knowledge of this immigration business not only at this port but other ports; your business necessarily leads you to get information from other ports; now, has immigration de-

creased in the port of New York in a greater ratio than in other ports of the United States? A. That I cannot say without having the figures before me.

Q. Have you the figures which you can give us as to the decrease of immigration at Boston, Montreal or Philadelphia or Portland? A. My impression is that immigration has increased in Boston and Philadelphia in a larger ratio for some years back than it has here.

By Mr. VOSBURGH:

Q. What has been the cause of that increase in your opinion? A. I think they have been in a measure attracted by less expense there; there are divers causes.

Q. Can an immigrant get from Philadelphia to the west at a lower rate of fare than from New York? A. That is sometimes the case and sometimes it is not; they have had an arrangement with the trunk lines where they would all charge the same; I believe the Pennsylvania road at this time are demanding (I do not speak positively) their territorial rights; that is, they are claiming that for the shorter distance of their line, they are entitled to charge a lower rate.

By the CHAIRMAN:

Q. To come back to the question that I asked, can you furnish us with the amount of immigration from 1870 to the present time at each of the ports that I have named? A. I don't think I can.

Q. You have given us the opinion that immigration to this port has decreased in a greater ratio than at other ports? A. Yes, sir.

Q. What fact or information have you to base that opinion upon? A. Oh, general information.

Q. Is it a mere guess? A. No; it is simply my belief from knowing the sailing movements of vessels, and what I see and read in the papers daily.

Q. Yesterday I noticed in a paper of the 21st of November last, the statement, that a steamship landing about 150 emigrants in Boston, they were shipped by the steamship company that brought them over from Boston to New York, free of expense; and when they came here they were entirely destitute, making application to the commissioners of emigration for relief; does your company know any thing about steampship companies landing passengers at other ports to avoid the payment of head-money? A. I do not think it was done for that reason, to escape the payment of head-money; it is done, I think, mainly by the Cunard company, who have vessels running there regularly.

Q. Have any such cases come under your observation of emigrants

landing at other ports, and coming to New York for relief? A. I don't recollect of any.

Q. This paper mentioned the name of the vessel as the ship "Queen;" what line is that? A. That is the National line.

Q. And also referred to the steamer "Samaria?" A. That is a Cunarder.

Q. The office of the National line is here? A. Yes, sir.

Q. Has it any office in Boston? A. I presume they have an agent there; they do not land vessels there regularly; they do occasionally.

Q. Their principal office is in New York? A. Yes, their principal office on this side.

Q. What purpose could the company have had in landing emigrants in Boston, and shipping them to New York, unless to escape the payment of head-money? A. It was done in the regular course of business; I suppose they had more freight to Boston than to New York, and therefore sent the ship to Boston.

Q. Do you know what the regulations are in Boston in regard to head-money? A. No, sir.

Q. Do you know that they have to pay but one dollar head-money in Boston? A. I don't think they have to pay any thing if the immigrant leaves the state.

Q. Do you know that they charge one dollar a head in Boston to the steamship companies; but if the immigrant leaves the state in 24 hours, that dollar is refunded to the steamship company? A. Yes; I understand that is so.

Mr. ALVORD — But the bond holds good for 10 years, if the immigrant comes back to the state for relief within that time.

Q. If the money is paid back to the company, you can see a motive for landing emigrants there and shipping them immediately to New York? A. There may be a motive.

Q. You can see that there is a motive? A. I can see that people do business where they can save expense, of course.

By Mr. ALVORD:

Q. Is there any difference in the rate of passage from Europe to the different ports of America for immigrants? A. I think there is some; I cannot state it specifically, but there are differences I know.

Q. Cheaper to other ports than here? A. I understand you from Europe to America, without stating any ports?

Q. I talk about the principal ports here — Boston, Philadelphia and New York? A. Take the port of Liverpool, which is the principal port on the other side, and the price differs very little by any of the companies from there — only about five per cent to any port of the United States — whether Montreal or Boston, or New York or Philadelphia or Portland.

Q. Have you not got an arrangement by which the steamship companies regulate the whole of that matter? A. No, sir.

Q. Neither an arrangement between the parties running steamship lines into New York or a general arrangement? A. No, sir; we have an understanding of this kind — that our minimum rate for certain things shall be fixed; that is, a general understanding as to the minimum rate.

Q. That includes Philadelphia, Montreal, Boston, and New York? A. That is, as to the general traffic; I don't know whether it includes all.

Q. You say that a reduction of £1 has been made from what the passage was in 1871; what brings about that reduction in price? A. That is a difficult question to answer.

Q. But it is uniform over all these ports? A. No, sir; it is not uniform; I said that I thought the difference was not over five per cent.

Q. Within that line of margin the reduction is uniform? A. Yes; I think it is.

Q. It is not a reduction more to the port of New York than to Boston or the other ports, except allowing the variation of five per cent as I understand; is this understanding between the steamship companies in regard to a minimum price below which they shall not go, a written understanding? A. I don't know whether it is or not; I presume not; it is simply an agreement among the gentlemen that they will not go below such a rate.

Q. And that agreement not reduced to writing? A. There may be some one to keep the minutes, but it is not signed at all.

Q. You meet in conclave and make this arrangement, the same as if you were a constituted body? A. Oh, I believe that it is like all other business; we have our meetings occasionally, and talk over business and plans.

Q. And these resolutions are adopted, and the minutes are kept by an officer elected at the time, or by a stated officer of the association; have you an association? A. We call ourselves the North Atlantic Steamship Conference.

Q. Is that a permanent body? A. No, sir; it is a body precisely — to draw an analogy — the same as that of the great railroads in its character; they meet once a month or once a year to see if they can harmonize their interests with each other, and benefit trade generally; only within a few weeks have they made this arrangement; before that, for I don't know how long, they had no arrangement affecting the price of passage; they may have had other understandings.

Q. Is there a continuing or abiding set of officers over this North

Atlantic Steamship Conference? A. No, sir; the rule, as I understand, is, that if Mr. A comes in and presides at the meeting, and they have another meeting six months hence, then Mr. B presides.

Q. How do you bring about your meetings? A. Mr. A and Mr. B may meet on 'Change, and Mr. A says, "This is an important matter; had we not better come together and talk about it?" then two or three will sign a call for a meeting.

Q. Then this is a kind of spasmodic affair? A. Yes; the close analogy is that of the great trunk railroads of the country.

Q. When they go to work and bite each other's noses off, until they become satisfied, then they come together and make an arrangement? A. That is it.

Q. How long has the price of passage-money been reduced below the price that it was at the time of the reduction of the head-money from $2.50 to $1.50; in other words, how long has the price been below £6 6s.? A. It was lower than that last year; I think last year on the ordinary Liverpool lines it ran from £3 up to £5 5s.

Q. There was a strife or contention between the steamship companies? A. That was a good deal owing to want of business.

Q. The same as the contention between Vanderbilt and Garrison and Scott? A. The same as other business.

Q. Until you got to cutting and sawing at each other the price remained uniform for about two or three years? A. I cannot answer that; but I think you are right about it; I cannot answer without reference.

Q. Are you sufficiently acquainted with the transportation of immigrants into this country to know that the volume of emigration has fallen off? A. I am confident it has.

Q. As well at other points as here? A. I cannot speak specifically in regard to that; I know from the statistics published here that the immigration is not half what it was three years ago; I have not the statistics or reports.

Q. I am sorry that you have not; I supposed that you would have in your possession a statement of the immigration to different points in this country? A. I may possibly have it at the office.

Q. Would you be kind enough, when you furnish us with the other documents which you propose to furnish, to see if you have these statistics, and let us have the loan of them? A. I will, sir.

By Mr. WAEHNER:

Q. Do you know Mr. Sanford, connected with the North Atlantic Steamship Conference? A. Yes, sir.

Q. What are his duties in connection with the conference? A. Well, simply when we come together we employ him to act as secretary.

Q. Has he a stated salary? A. Have you any specific objects in asking that question?

Q. I merely desire to know? A. We pay him for his services, if that is what you wish to know.

Q. Does he receive a stated salary per year or month? A. I think a contribution is made by each line *pro rata*.

Q. Do you know Mr. Cottis, connected with the White Star line? A. Very well.

Q. Were you present at any meeting of this North Atlantic Steamship Conference, when Mr. Cortis stated that Mr. Casserly and Mr. Rudd had been retained in the interest of the steamship companies, and that they ought to be paid, or something to that effect? A. I have no recollection of it.

Q. For services which they had rendered at Albany in the interests of the steamship companies? A. I do not recollect it; I do not think I was.

Q. You stated a while ago, in your examination, that Mr. Nolan called on you and told you that he needed this money for certain persons; did he mention the names of any of those persons? A. No, sir.

Q. When did you see Mr. Nolan, after the first time, in relation to this business? A. I don't recollect; I never knew him until in connection with this business; I never saw him until he called upon me in regard to this business.

Q. That was the first time you recollect seeing him, and that was at your office? A. Yes, I am confident I never saw him before.

Q. Did he bring any letter of introduction from any person to you? A. I have no recollection; I don't think he did.

Q. I understand you to state that he handed you a paper signed by other persons? A. I think so.

Q. You testified that you had no recollection of any money being collected from your company, or advanced by your company, for legislative purposes in 1874? A. I have no recollection of any; no, sir.

Q. Do you mean by that that there was absolutely none, or that your memory is defective? A. I don't know; I answer in that way for this reason, that we may have paid some few hundred dollars for something, but I have no recollection of it.

Q. Would your books show the payment of any such money? A. Certainly, sir.

Q. Also during the last season of the legislature, have you any knowledge or recollection of any money being paid? A. I don't think we paid any, sir; I don't think, so far as I know, that there has been any money expended on that account; there may have been some small amounts, but no such thing as involving thousands of dollars.

Q. Do you know or did you ever hear of these amounts, which you

say were to be allowed to Mr. Nolan according to the number of immigrants arriving, being discounted, or any advance being made upon them; was there any money advanced, on the strength of this arrangement, by any person? A. Not by us; and I don't know of any other.

Q. Did you ever hear that any advance had been made? A. I don't think I ever did.

Q. How often did Mr. Nolan call upon you to receive the amount on this arrangement which you had made? A. My recollection is about once a month.

Q. Until the close of the year for which the arrangement had been made? A. I do not recollect; I think it was continued for six months or about that; it might have been five months.

By the CHAIRMAN:

Q. To refresh your recollection, I have just been reading over your testimony before a commission which sat soon after the arrangement; you stated there that this arrangement was to continue for a year? A. That testimony was given soon after the event, and it may be so; but it is not my recollection now.

Q. Did you collect any other money from other steamship companies and pay it to Mr. Nolan? A. Myself or our firm, no, sir.

Q. Do you recollect having a conference with the sub-committee appointed on behalf of the commissioners of emigration, in relation to a reduction of head-money, in 1871? A. Yes, I recollect that meeting very well.

Q. Mr. Wallach, Mr. Barr and Mr. Lynch were on that committee? A. I don't recollect all; I recollect Mr. Lynch and Mr. Wallach.

Q. Were either of those gentlemen at that time in any manner connected with your company? A. No, sir.

Q. Did you have any knowledge or information that they were connected with any steamship company? A. No; I had no knowledge, but I think they were not; I never had any reason to think so.

Q. Do you know Mr. James B. Nicholson? A. Very well.

Q. Was he, or has he ever been connected with your company? A. No, sir.

Q. Or with any steamship company that you received information of? A. None to my knowledge.

Q. I see in your testimony given before the commission that this question was put: "Then this amount that you paid must be quite an item? Answer — Yes, it was quite an item; but it was only for one year. Question — Do you continue to pay it now? Answer — I don't know; I think the time has about expired?" A. Well, it is impressed upon me that it was six months, or about that.

Q. This testimony was given in 1872; the next year after the arrangement? A. Yes, sir; but that can be settled, if it is of any importance, by reference to the accounts.

Q. There are one or two other questions — you mentioned that last year the passage-money for part of the year was £3; what part of the year was that? A. The passage-money was irregular, but especially in the summer or fall, or autumn; the business was a very distressing one the whole year.

Q. How long did it continue to be £3? A. I cannot answer that point; but I can answer that the price has been varying from £2 10s. to about £6 all through last year and to the present summer.

Q. At the time that it was at this low figure, were the various steamship companies in active competition? A. They are always in competition.

Q. Have they not formed a union now? A. No; they have no union; for some few things we have a minimum rate.

Q. Immigration is one of those? A. Yes, sir.

Q. You charge a uniform price to the city of New York — all the companies? A. No; there is a difference in different companies of about $2.

By Mr. WAEHNER:

Q. Are those companies that make this difference in the charge members of the conference? A. Yes, sir.

By the CHAIRMAN:

Q. During the time that the passage-money was at this low figure, had it any tendency to increase immigration? A. Not that I am aware of; that is, it is not visible; you understand that it has been a very remarkable season; that business has been very dull here, and the laboring and mechanical branches have been almost at a stand-still; so that there is very little inducement for immigrants to come out.

Q. The amount of immigration, then, depends largely upon the state of the business in the United States? A. Yes, sir.

Q. Whether prosperous or dull? A. Yes, sir, of course, like every thing else.

Q. In a large measure, but not exclusively? A. Undoubtedly that is so.

Q. I see, from looking at the records of the commissioners, that when the head-money was $2.50, immigration was over 200,000 or 250,000 to this city; when it was $1.50, last year, the immigration was only 140,000, and the passage-money then was only about £3; how do you account for that, by the stagnation of business? A. That is undoubtedly so.

By Mr. ALVORD:

Q. You say there is a difference of $2 in the passage-money, from here, between different companies; is it a difference between the steamship lines from this port to the same ports in Europe? A. Yes, sir.

Q. What is the reason of that difference? A. That is a matter of compromise, from the different interests that have to be compromised, to satisfy the parties.

Q. Is there any facility given to the outgoing emigrants by the parties who charge at the largest price which are kept from them by those who charge the lowest price? A. Not that I am aware of.

Q. Do you consent to a difference in the price of passage simply for the purpose of keeping up the harmony of your general action? A. For the purpose of keeping up the harmony of the general business.

Q. In other words, there are some rascals among you that will not do what you want them to do, unless they are paid for it? A. No, I do not say that at all.

By the CHAIRMAN:

Q. Now if this conference of all the steamship interests should conclude to make an agreement to pay any amount of money, all the members of the company would regard themselves bound to pay their proportion of the assessment? A. I do not think that is so in all cases.

Q. Why not in all? A. We have made no agreement.

Q. I say if they agreed? A. Oh, if they agreed; no, sir; if there should be a meeting at which eleven were present, and there was one that did not agree to it, it would fall to the ground.

Q. It requires unanimous action; but if there was unanimous action that an assessment should be made for certain services, then it would be paid? A. Yes, sir; if they agreed to do it.

Q. So that if ten companies are represented, and they agree to pay a certain amount for expenses at Albany, each company when called upon will pay its proportion of the expenses? A. Yes; but there has been nothing of the kind that I am aware of.

By Mr. ALVORD:

Q. I observe that in the course of your testimony you stated that you understood that the steamship company interest was represented in 1874 and 1875 at Albany, in opposition to the law to raise the amount of head-money? A. I believe it was.

Q. If that was so, were those steamship companies represented without any cost to them? A. No; there was probably something paid; I recollect we had a gentleman employed there.

Q. Who was it? A. I cannot think of his name just now; he is a gentleman who resides in Brooklyn.

Q. Was he a member of the legislature? A. Oh, no; I think that his business was what they call a lobbyist; it is strange that I cannot recall his name.

Q. Do you recollect t e amount of money you paid to this agent? A. I do not, a few hundred dollars.

Q. Did you employ also agents in 1875? A. No, sir; we did not.

Q. I understood you to say that you were aware of the fact that a steamship interest was interested there? A. There was some one employed, but as to the arrangement I do not know.

Q. Was that an employment by your line? A. No, sir; I don't know any thing about it.

Q. Did I not understand you to say that you were aware of the fact, or supposed that they were represented in 1875? A. Yes, sir; and that we probably would have something to pay for it, but I feel confident that we never have paid any thing.

Q. Do you know who that was? A. No; you asked about a Mr. Rudd; last week I met one of the commissioners of emigration, who asked about him; I never heard of him before.

Q. Who did you understand you would have to pay? A. I did not understand any one, except that Mr. Casserly had been waited upon by some one, and we were to pay; that was not the Mr. Casserly who was here.

Q. Not Senator Casserly? A. No, it is another brother.

Q. Were you aware that Mr. Bernard Casserly was up at Albany a large part of last winter? A. No, sir.

Q. Or last year? A. No, I did not know any thing about his movements; I don't think I have seen him more than once in two years, except by accident.

Q. Do you know by whom Mr. Casserly was employed when working on behalf of the steamship companies, or at whose suggestion? A. I think he had some conversation with Mr. Dale about the matter; there has been nothing more than consultation that I remember; there has been no knock-down or any money expended, so far as I know, notwithstanding that it is contrary to the opinion of some of the honorable commissioners.

Q. It would seem to me that a gentlemen of that character going up to Albany, would not wait long until having his expenses paid? A. These gentlmen were up there for other purposes.

Gustav Schwab, sworn.

By Mr. WAEHNER:

Q. What is your business? A. One of the firm of Elrich & Co., who are agents for the North German Loyd Steamship Company, which is the Bremen line.

Q. How long have you been a member of the firm? A. About sixteen years.

Q. Your firm is engaged in the transportation of passengers and immigrants largely? A. Our company is; yes, sir.

Q. Are you a member of the North Atlantic Steamship Conference? A. No, sir.

Q. Or is your firm? A. No, sir; the German lines never had any conference, or any part in the North Atlantic Steamship Conference; we never made any arrangement with them for the rise of passage-money; none of the German or Swedish lines belong to that conference; that conference is composed of the different English lines, who make arrangements among themselves.

Q. Are the German or Swedish lines which you have mentioned combined in any way, or have they any conference? A. No, sir; they have no conference whatever; the two old German lines, the old Hamburg line and our line, have had from the beginning of their business an understanding that they would always charge the same rates of passage and the same rate of freight from the other side, according to the market.

Q. Do you know what the action of the commissioners of emigration was in 1871, in relation to the reduction of the commutation money, and by whose suggestion this commutation money was reduced by legislation? A. I know they reduced it, but at whose suggestion they reduced it I do not know; I was under the impression that it was at the suggestion of the commissioners of emigration themselves at that time.

Q. Were you not a member of the committee on behalf of the steamship companies that met with a like committee appointed on behalf of the commissioners of emigration to consult in relation to the reduction of head-money? A. I was not a member of any committee; I remember that all the steamship agents were called here by the commissioners of emigration to have a conference with them, and I think I was present in 1871 at such a conference.

Q. Do you know who was the person that instigated that matter in the first instance? A. I don't know.

Q. Did the invitation emanate from the commissioners of emigration, or from any one of the members of the steamship companies? A. So far as I recollect, I always thought it emanated from the com-

missioners of emigration; I think that we received notice to attend here at the meeting from them; I never belonged to any conference of these companies, and whatever they may have done I never knew; it might possibly have originated with them.

Q. Do you know of any person named Nolan? A. I don't know him personally, but I have heard of him.

Q. Did you ever meet him here, or were you ever introduced to him? A. I don't think I was; we signed the agreement with him.

Q. Were you ever introduced to him by any one? A. I don't remember.

Q. Did you ever meet him personally? A. If he was the gentleman that collected the money at our office which it was agreed we should pay, I must have seen him, because I saw the gentleman who was collecting the money there, but I never knew who he was.

Q. Did he say himself that he was Mr. Nolan? A. He may have done it, but I have no recollection; he might have sent his clerk.

Q. How did you come to sign the paper, whatever it was; did you have any consultation or conference with any of the steamship lines before signing that paper? A. I suppose we must have had some intimation of that thing before; so far as I remember it was cut and dried and placed before the German lines; and, of course, when all the English lines signed such a thing, we could not hold out; it would not have been fair for the German lines to have derived advantage from the reduction of the head-money, and let the English lines pay all the expenses.

Q. What was the arrangement made at the time that you signed that paper; or what was the arrangement expressed in the paper? A. As far as I recollect, it was to allow 25 cents for every passenger that arrived within a certain time — for one year, I think; I don't recollect, but I think it was for the balance of the year; there was a time fixed.

Q. Was that arangement after the meeting you have spoken of between the steamship companies and the commissioners of emigration, or before. A. That I cannot recollect.

Q. Is there any way in which you can refresh your memory by your books, or any memorandum? A. I can say when we made the first payment.

Q. Have you got any way of telling the day that you signed the agreement? A. No, sir.

Q. Did you make any memorandum or entry in your book? A. No, sir.

Q. Or did you keep a copy of the paper? A. No, sir.

Q. Have you ever seen a copy of that paper since the signing of it, or the paper itself? A. I don't think I have.

Q. How long did you continue to make payments under that

arrangement? A. Up to the time specified in the agreement, but how long that was I do not recollect; I think it was to the end of that year.

Q. Who collected the money from you? A. There was a man came in regularly every month.

Q. Do you know who it was? A. I cannot tell whether it was Mr. Nolan or a clerk of his; it was a young man.

Q. Would you be able to recognize him if you saw him? A. I hardly think I would.

Q. Did he bring this paper with him every time that he came to your place? A. I think not; I think the cashier became acquainted with his face and paid the money to him.

Q. Was the money paid to him in cash, or by check? A. I think by check.

Q. In what bank did your company deposit at that time? A. The Merchants' Bank.

Q. Were all payments made by check? A. I cannot tell you, but I think that very likely we made all our payments by check as far as we could.

Q. Have you the stubs of the checks? A. Yes, sir.

Q. Would they show to whose order the checks were drawn? A. I think we have the checks themselves, very likely.

By Mr. VOSBURGH:

Q. If you paid any money on account of this arrangement, what account would you charge it to? A. We had to open a separate account; we have a general monthly expense account, which is rendered to the company, and, so far as I know, it was always charged on that account.

Q. By reference to that account, you could take each item out? A. I could get every item.

By Mr. ALVORD:

Q. I would like to know what entry you made against that money; was it so much for bribing the legislature? A. I don't know what the cashier did; we charged it to the company, and explained to them why we had to spend it.

By Mr. WAEHNER:

Q. Before you signed this paper did you understand what Mr. Nolan was to do? A. He was to get a reduction of the head-money, or work for it; I had very little understanding about it; the thing, as I said, was all cut and dried before it was placed before us.

Q. Who placed it before you? A. Some of the gentlemen of the English lines; who it was I don't remember.

Q. What did they tell you? A. They told us that it was necessary to work at Albany, and bring about a reduction of the head-money, and, of course, we had to pay for it.

Q. Did you have any arrangement by which these sums that were to be paid to Mr. Nolan were assigned to any person, and that person advanced the whole of the money, or did your concern advance the whole of the money that was to be paid? A. I never had any knowledge of any such arrangement.

Q. When did you see this gentleman last — Mr. Nolan, or the person that brought the paper there? A. I have no recollection of having seen him, except the first time when he came to collect, and I introduced him to the cashier, and instructed the cashier to pay Mr. Nolan such an amount for such a length of time; the cashier afterward saw him and was acquainted with him.

Q. Is this same cashier still in your employment? A. Yes, sir.

Q. Do you mean to say that he knew him personally? A. Knew the man that collected the money.

Q. How did you know that it was Mr. Nolan when he came into your office? A. He must have been introduced to me, of course, by some one, either in writing or personally.

Q. What is the name of your cashier? A. William Haas.

Q. You say he is still in your employment, and can be found at your place of business? A. Yes, sir.

Q. Do you know Patrick H. Jones? A. The postmaster; yes, sir.

Q. Do you know him personally? A. Yes, sir.

Q. Did you ever have any conversation with him in relation to the reduction of head-money? A. I don't remember that I ever did.

Q. Do you know that he was counsel for the commissioners of emigration during the early part of the year 1871, and before that time? A. No, sir; I think he was postmaster at one time.

Q. Have you any recollection when this paper was signed by you — whether it was early or late in the winter? A. I have no recollection.

Q. Do you recollect whether this paper was signed before the legislature was in session? A. I can't say; I can't say positively; I think not; I have no recollection of the exact date at all.

Q. When was this matter of the reduction of head-money discussed by the agents of the companies; did they hold any meeting before the meeting of 1873? A. I have no recollection; I don't recollect having met the agents of the steamship companies on the subject; my impression is the whole thing was got up by the agents of the English lines, and when they had agreed and settled their arrangement they

called upon the German lines and asked them if they would agree to the same thing.

Q. You testify that you never had any conversation with Mr. Jones in relation to the reduction of the head-money? A. I don't recollect of any.

Q. Did you have any conversation at any time with Mr. Bernard Casserly? A. He was then the secretary of the board of commissioners of emigration, and we must have had repeated conversations with him; he was present at the meeting.

Q. Did he favor, in this conversation, the reduction of head-money? A. I don't remember; but he has always stated to us afterward that he favored the reduction; he has stated that he brought it about as he expressed.

Q. Have you any information that you can impart to the committee as to the reasons or motives that impelled Mr. Casserly to bring that about? A. I have no knowledge of his motive more than what he stated; he has since then frequently assured us that he did it because he thought it was damaging to the port of New York to have the head-money so high, and that the commissioners could get along with a lower head-money.

Q. What was the necessary occasion of such assurance by Casserly? A. We have been called here to meet the commissioners of emigration frequently since that, and had frequent occasion to meet Mr. Casserly; he was secretary at the time and the subject came up.

Q. Did you meet Mr. Casserly, and have conversations with him since the time that he resigned from the position of secretary or superintendent of the department? A. I think I have; I think I met him, not by any pre-arrangement; I have met him once or twice, I think, and we discussed that.

Q. Were you in Albany during the session of the legislature of 1874? A. Yes, sir.

Q. Did you meet Mr. Casserly there? A. I think Mr. Casserly was there at that time; I am not quite sure; I think he was up in the senate chamber, and he met the commitee there.

Q. What was his business there? A. He was there on behalf of the commissioners of emigration; he was then secretary to the commissioners of emigration.

Q. In 1874? A. I think so; when he was before the senate chamber he was not there on our behalf; I was under the impression that he was there on behalf of the commissioners of emigration.

Q. If you did not disburse any money, was there not a committee appointed by the steamship companies (I don't care whether English companies or not), to employ counsel and disburse funds at the session

of the legislature of 1874, and at the last session of the legislature? A. Yes, sir; I believe there was.

Q. There was a committee appointed on behalf of the steamship lines? A. I believe so.

Q. Of whom did that committee consist? A. I really don't remember; I don't think I was present at the meeting: my impression is that Mr. Dale was the managing member of that committee, if there was such a committee.

Q. Of how many did the committee consist? A. I don't remember; I suppose two or three.

Q. Did it consist of more than Mr. Dale? A. Very likely: I don't remember the number or their appointment, but it must have been placed in the charge of some gentleman of the steamship lines.

Q. Do you know, in pursuance of that authorization, what the committee did? A. I know the general thing, that they paid Mr. Wakeman a very considerable fee for attending to this business.

Q. How much did they pay Mr. Wakeman in 1874? A. That I cannot remember; my impression is that it was several thousand dollars.

Q. How much; was it $10,000? A. No, sir; I don't believe it was.

Q. How much money was raised by the steamship companies in 1874, for legislation purposes? A. That I cannot tell; I was not a member of the committee; I can tell what we paid.

Q. How much did you pay in 1874? A. It was agreed that the steamship companies should pay in accordance to the number of passengers they brought in the year before.

Q. What was the percentage agreed to be paid? A. The whole expenses were to be divided among the steamship companies according to the number of passengers brought in the year before.

Q. What was to be paid for each passenger? A. No certain amount; if we paid $3,000, for instance, that was to be divided, so much per head for the number of emigrants brought in, in 1873.

Q. Was this amount so raised more than $10,000? A. I don't believe it amounted to $10,000; it was considerably less than $10,000, as far as I remember

Q. All the money raised in 1874 did not exceed $10,000? A. It did not reach $10,000; I am confident of that.

Q. And this was all paid to Mr. Wakeman? A. That I don't know; it was collected by Mr. Sanford who went around with a list stating the expenses had been so much and that each company was assessed so much; he paid the money according to the directions of the committee.

Q. What organization or meeting was there before this arrangement was agreed upon; were all the steamboat companies invited to have a

meeting? A. The North Atlantic Steamship Conference and all the large lines I believe agreed; I believe the small lines were not called upon to participate, such as the Baltic Loyds, but I believe our line and the Hamburg line and the Rotterdam line and other lines participated.

Q. Was there not $40,000 raised in that year? A. If $40,000 was raised I know that the North German Loyds did not pay their share of it.

Q. Did you ever hear of such a sum as that had been raised? A. No, sir.

Q. Did you hear that such a sum had been raised in 1875, or collected in 1875? A. I may have heard it stated in the papers, but I never heard any one make the assertion, or I would have contradicted him at once; there was no such amount, nothing like it.

Q. Do you know Mr. Rudd? A. I do not.

Q. Did you ever hear of him? A. I did not hear of him until I saw his name mentioned in the papers the other day on this investigation.

Q. After this reduction of head-money, in 1871, by the legislature, did your line make any reduction in the charge of passage? A. We made no reduction then — not until the year 1874.

Q. What was the occasion of your reducing the price of passage in 1874? A. Because immigration fell off so that we could not fill the ships; the English companies reduced their passage, and we had to reduce ours; there is another way that we can aid passengers by allowing larger commissions to our agents on the other side; that is what we had to do all along from 1871 to 1874; the competition was so great that we had to allow, instead of five per cent, ten or fifteen per cent to the agents on the other side in the country: besides that all the expenses of the passengers and steamships nearly doubled in 1873 from what they had been before.

Q. Going back to 1870, when the price of head-money was $2.50, how did the rate of passage compare in that year with the rate of passage from 1871 to 1874? A. I believe we made no change during those years from 1870 to 1874, at least not coming this way; I don't believe we made any changes from 1865 to 1874; the rate was the same.

Q. So that it made no difference to you whether the price of the head-money was $2.50 or $1.50, so far as the price of passage was concerned? A. It made no difference, except that we could spend more money in trying to get immigrants; we could neutralize other heavy expenses.

Q. Does your company land any immigrants in any other port than that of New York? A. Our steamship line has a separate agency in Baltimore, and sends steamers there.

Q. What does Baltimore charge for head-money? A. One dollar and fifty cents; three-fifths or two-fifths of that is turned over, I believe, to the German society there, which is under some pledge to take care of poor German immigrants.

Q. Is that the only security offered to immigrants there? A. I believe there is no such institution as commissioners of emigration; but in Baltimore the danger to immigrants is far less than here; in Baltimore the company have a wharf from the railroad company for which they pay no wharfage, and the track runs right along side of the steamer, and all the passengers that want to go west are transferred from the steamer, having only to go a few feet, and never require to see the city of Baltimore; very few of the passengers remain in Baltimore.

Q. But you have no such institution as this to care permanently for the immigrant? A. Not provided by the state; the German society is an old established society, and does a good deal.

Q. Can you offer any facilities, such as on Ward's Island and in Castle Garden, for the care of the immigrant? A. No, I believe not.

Q. How long does the society pledge itself to take care of the immigrant? A. I don't know; for the other part of the head-money the state may do something, or it may go to the Irish societies.

Q. In what proportion is immigration increased or decreased to the city of New York, as compared to the city of Baltimore? A. I have no details of the arrivals at Baltimore, but I can say this, that our company has a separate line to Baltimore, running a fortnightly line there; three or four years ago they built three more vessels intending to make it a weekly line to Baltimore, and they did make it a weekly line until last fall; now they have a fortnightly line, and occasionally send a weekly steamer; we here in New York had a semi-weekly line in 1873 and 1874, with the exception of the winter months; this year we have only one steamer a week, which is a reduction below what we had in 1873 and 1874; whereas at Baltimore they run not only as many as they did in 1873 and 1874, but occasionally an additional steamer.

Q. To what do you ascribe that? A. Because it is more profitable for the company to run their ships to Baltimore than to New York; we can get our coal $2.00 a ton less there.

Q. Then it is not the head-money? A. If the head-money was $2.50 here then there would be a difference of one dollar; we have to look at the whole expenses — where the expenses are heavier in comparison to the receipts, and the head-money enters into the calculation; there is the fact that Baltimore has kept up, or rather increased the steamship traffic, whereas we have been cut down one-half; our company has now 17 steamers laid up, doing nothing, in Bremen.

Q. Do you know whether any of these immigrants landed at Balti-

more come to New York and claim the protection of the commissioners of emigration? A. I never heard of such a thing.

Q. Have you ever heard of any thing of the kind in regard to other lines? A. No, sir; we have no line to Boston and I don't know what the business is there.

Q. As I understand you, the only reason that you ascribe for the increase of the steamship traffic to Baltimore is because of the facilities which your vessels extend to the immigrant to go there, and the lower cost of coal to the company? A. Yes, sir; and the wages of stevedores, which are only about one-half of what they are here; I do not say that immigration is increased at Baltimore, but the facilities there are increased.

By the CHAIRMAN:

Q. I understand you to state that by the reduction of head-money from $2.50 to $1.50 you are able to pay your agents across the water a larger commission to induce immigrants to take your line? A. I only wish to state that as one way of using the reduction of expenses; we cannot make a reduction in our passage-money of less than $5, or raise it; we must have a round figure; therefore unless the saving was $5, we could not, under all circumstances, reduce the passage-money; but I wish to give that as an instance of the way by which we are benefited and the immigrant is benefited.

Q. Did your company, upon the reduction of head-money, increase the commission paid your agents across the water? A. I cannot state that positively; I only know that the commission during those years has been increased greatly.

Q. You state that about 1870, or along there, you paid five per cent, and that some time after you paid ten per cent, and in some instances fifteen per cent; can you state how soon after the passage of the act reducing the head-money you increased the charge of commission to your agents across the water? A. No, I don't wish to state that it was done then; I think that we can neutralize the saving of expense, on the other side of the water, in that way.

Q. The reduction of head-money enters into the reduction of the expenses of the vessel? A. Yes, sir; another thing which makes for the passenger, we can reduce the rate of freight; that is for the general interest; we can compete better with other ports in the matter of freight.

Q. Do you concur with the statement of the other gentleman (Mr Williams) that the stagnation of business it is which operates to reduce immigration? A. No doubt of it; that is the main cause; get the people in the west to write out that they are doing well, and we will have others coming over, because there is a large surplus pop-

ulation in Germany and other European countries who are ready to leave.

Q. The largest portion of the German immigrants go to the western states, do they not? A. I believe they do; it may not be over one-half, because this state and city has a very large population; but of all that come without having friends in New York or the immediate neighborhood, the largest part go west.

By Mr. GEDNEY:

Q. I understand you to say that your company paid one-fourth of a dollar to Nolan, or some other person, for each immigrant arriving here after the reduction of the head-money; how many companies paid that amount? A. I believe all the large companies paid it; I am pretty sure they did.

Q. How many? A. I cannot give the names; all those in existence in 1871; all the regular lines that had business with Europe in 1871, I believe, were parties to this arrangement.

Q. Six or seven? A. More than that, at least nine or ten.

Q. Each of those companies paid 25 cents? A. So far as I know; that was the understanding certainly.

Q. Did this Nolan go around and collect 25 cents for every immigrant arriving in New York? A. Only those on whom we paid head-money; he had the number of alien passengers given to him at the office of the commissioners of emigration and made out the amount; we paid head-money to the chamberlain of the city for so many passengers, and we paid him 25 cents each for the same number.

Q. Not more than 25 cents? A. No, sir.

By Mr. WAEHNER:

Q. Be kind enough to furnish to the committee the exact amount paid by your company to Nolan, and also please to produce the checks? A. I will if I can; I am not certain if they are destroyed.

By Mr. GEDNEY:

Q. long was that arrangement for? A. I think for the current year, although I am not positive.

Q. Did you pay any person other than Nolan any other sums of money for the purpose of legislation? A. We never paid a cent to any one else that year.

Q. That was for the purpose of reducing the head-money; but for any other purpose in regard to legislation at Albany? A. No, sir.

Q. You spoke some time ago of your association paying Mr. Wakeman? A. That was in the year 1874; we engaged Mr. Wakeman in 1874 as counsel to appear before the legislature.

James W. Husted sworn.

By Mr. WAEHNER:

Q. You were a commissioner of emigration during the years 1870 and 1871, were you not? A. I was; I resigned on the 31st of December, 1871.

Q. Do you know Andrew Clark? A. I do.

Q. Do you recollect entering into a contract with Mr. Clark on behalf of the commissioners of emigration, for building a sea-wall on Ward's Island? A. By instructions of the board, I do.

Q. This is the contract with your signature? A. Yes.

Q. At the time of making this contract were there any plans or specifications made or annexed to it? A. Yes; permit me to state that I was elected a member of the board of emigration in the month of May, 1870; I attended the first meeting of the board at Ward's Island; previous to that time, or at that time — I am not quite positive which — a resolution was adopted by the full board that a sea-wall should be built around that portion of Ward's Island, extending from the point where the lunatic asylum now is up the Harlem river nearly in front of the old lunatic asylum; the specifications were given out, and there were six or seven bids presented; whether the building committee had been appointed at that time I am not quite positive; at all events I know that the bids were opened in the presence of the full board, and whether they were indorsed by the full board at the time, or first indorsed by the committee and then submitted to the board, I do not distinctly recollect; but I do recollect that Mr. Clark's bid was the lowest bid of any; the record's of the building committee were kept by Mr. Casserly regularly, and I think you can find those minutes; I know they were kept from the fact that I had copies made from them every week myself, and, unless I am mistaken, I have those copies of the meetings of the building committee at every session; at all events I know that at every meeting of the board the minutes of the building committee were read and adopted by the board; at the time it was decided to build the sea-wall — the contract being given to Mr. Clark as the lowest bidder — Mr. Joseph J. Hearn was appointed superintendent of the building of the sea-wall.

Q. Who made that appointment? A. The board; and Mr. O'Niel, who was the architect of the lunatic asylum, was also directed to supervise the construction of the wall; during the process of its construction, payments were regularly made upon estimates certified to by the superintendent, and also certified to by the architect.

Q. Now state the manner in which this contract was given out, the system adopted of bids, etc.; was it bid for publicly or in what way? A. That I cannot recollect, for the reason that it was done before I became

a member of the board; I am quite positive; I think the first day I sat in the board the bids were submitted; that is my impression.

Q. The bids for the sea-wall? A. Yes.

Q. But you have no knowledge of the manner in which the bids were invited? A. I do not remember how they were invited; I think the specifications were given out before I was a member of the board; I am not positive; I know Clark's bid was accepted by the board.

Q. What committee were you on? A. Chairman of the building committee.

Q. Was it part of your business to inspect the work as it progressed from time to time? A. It was.

Q. Did you make such inspections? A. I did every fortnight, and sometimes once a week.

Q. Did you make them before any amounts were paid upon the contract? A. I did.

Q. What measures did you take to assure yourself of the performance of the contract upon the part of the contractor, first by inspection? A. I accepted the measurements of the surveyor (Mr. Serrell, I think); I accepted the report of the superintendent of the sea-wall, and the report of the architect, all three of which were given.

Q. And did you then report to the board before any payment was made or authorized? A. I reported to the finance committee, and the finance committee reported to the board, I suppose; I had nothing to do with the payments; I know that they built a good wall.

Q. Do you know how it came that the first and second installments were both paid on September 3, $4,000? A. They were paid by estimates, I suppose; the payments were all made by estimates regularly furnished; here is one of the entries (referring to the papers accompanying the estimates).

By Mr. ALVORD:

Q. The criticism made upon that is that the architect and engineer both aught to have given specifically the amount of work done in feet or in yards? A. That was done, and should be attached here.

Q. You say that was done? A. Yes, in every case.

Q. It does not appear here? A. It should; there should be here also the certificate of Mr. Hearn and Mr. Serrell; they were attached at the time.

By the CHAIRMAN:

Q. The difficulty seems to be that Mr. O'Neil was the architect at the commencement, and before the work was finished he was discharged? A. He had charge of the sea-wall, I think, until it was finished.

Q. We understood that he was discharged before; now in the last certificate Mr. Hearn says that he has given information to Mr. Serrell, and Mr. Serrell, from that information obtained from Mr. Hearn, makes a computation? A. I can say very clearly that when the payments were made it was in accordance with the contract — that whenever 4,000 cubic feet were finished, $200 had to be paid.

Q. You will see here that it all depended upon the honesty of Hearn? A. Well, an honester man than Hearn never lived; I would trust him with a million of dollars uncoined gold; the commissioners of emigration had so much confidence in Mr. Hearn that the new board, when it came in, placed him in a very responsible position.

Q. If measurements had been made by O'Neil, and they were on file, the city surveyor, Mr. Serrell, could have got those measurements? A. You will find those measurements were on file; every one of them should be on file, down to the last measurements; they were all here; they were all submitted to the building committee and to the board, and a dollar never was paid on the contract for the sea-wall except on estimates as to the amount of work done; I can swear to that.

Q. We all understand that Hearn was an honest man, but I don't go much on the honesty of men in public life? A. He was not in public life.

Q. I don't mean that a man cannot be honost in public life; but I would not trust a man with arbitrary and dangerous power because he was an honest man? A. Hearn was a quarryman and a man of a great deal of intelligence; the building of the lunatic asylum, I think, was very much mixed up, but the sea-wall was built on honor, and, I think, as good a piece of work as there has been done for the city of New York; it was well done, and was paid for in accordance with the contract.

By Mr. ALVORD:

Q. The trouble only we had, we were compelled to come to the belief that the conclusion arrived at by the surveyor was from information obtained from Hearn, and that the data was utterly wanting? A. That is a mistake; they had all the figures.

By Mr. WAEHNER:

Q. You say that you have kept copies of the minutes of the proceedings of the board, and that these measurements were reported to the committee? A. Yes.

Q. Then you can furnish those to the committee? A. I think I can.

By Mr. GEDNEY:

Q. Was there plans for this work? A. There were specifications.

Q. But were there plans? A. It did not require much plans to build an ordinary sea-wall.

Q. Were there cross-sections? A. I believe not.

Q. Can you tell from the specifications how deep that wall was to be laid? A. I am not a mechanic, and I cannot; the specifications were adopted before I became a member of the board.

Q. These specifications do not show how deep the wall was to be laid? A. No; you had better subpœna Hearn; he will be able to inform you about that.

By Mr. VOSBURGH:

Q. You were a commissioner in 1871? A. Yes.

Q. And you were a commissioner at the time that the commissioners of emigration took action in relation to the reduction of head-money; what was that action? A. I think the action was taken in month of January; the board passed a resolution to ask for a reduction of head-money, from $2.50 to $1.50, and the first intimation I had of it was a resolution sent to me by the board, accompanied by a letter from Mr. O'Gorman, requesting me to advocate the reduction; I did not pay much attention to it; it was not my job; it ran along for four or five weeks, when I received two private letters from members of the commission, stating that they were opposed to the reduction; the result of it was that I never took any part in it; I neither opposed it nor advocated it; I think it came before the committee of ways and means in my absence; the bill came before the legislature three or four days before the adjournment, and was passed by the assembly by unanimous vote.

Q. This resolution came from the commissioners of emigration? A. Yes.

Q. What was the vote in the senate? A. I don't know what the vote was there; I know it was unanimous in the assembly.

By the CHAIRMAN:

Q. Did you in 1871 know of any one in Albany advocating the passage of that law? A. Not a man; I don't think a word was said about it; I think the bill passed the assembly, as a good many bills do, without any one in the house knowing what the bill was, or caring for it.

Q. Who seemed to have charge of it in the house? A. I don't remember.

By Mr. VOSBURGH:

Q. Was there any opposition to it on the part of the commissioners of emigration? A. No; they passed a resolution recommending its passage; there was no opposition to it in the assembly; it was never debated; and unless I am very much mistaken, the bill was passed by unanimous consent on being reported from the committee of ways and means, without being ordered to a third reading; I don't know whether the bill ever went before the committee on ways and means or not.

Q. Perhaps it went before the committee on commerce and navigation? A. It is possible, I think.

By Mr. GEDNEY:

Q. Was Mr. Hearn appointed before you became a member? A. No; Mr. Hearn was a good man, I considered, and I recommended him myself.

By Mr. ALVORD:

Q. Do you recollect a man named Nolan? A. Michael Nolan?

Q. One of the firm of Jones & Nolan? A. Yes, he is now assistant district attorney.

Q. Do you recollect seeing him in Albany during the session of 1871? A. I do not recollect that I do; he was there in 1873 or 1874; that I remember distinctly.

Q. Do you recollect having any conversation with him at any time in reference to the fact of the necessity for the public benefit of the reduction of the head-money? A. I don't think he ever spoke to me in the world on the subject.

Q. Have you been aware of the fact that he was in receipt of between $50,000 and $60,000 for supposed benefit to the steamship companies in the passage of the bill reducing the head-money from $2.50 to $1.50? A. Only from what I saw in the testimony taken before the committee on commerce and navigation in 1872.

Q. You have no recollection whatever of his ever approaching you or any other member of the legislature on the subject? A. No.

Q. Or of his approaching you, or any other members of the legislature, in 1871, with any arguments, whether literary, scientific or financial? A. No; he never spoke to me on the subject.

Q. In connection with this, I will ask is not the fact, so far as your general observation extends, that large sums of money, which have been discovered to have been paid to so-called lobbyists, really, are absorbed by them, and never get inside the legislature? A. I state from seven years' experience, and from facilities of observation possessed by not more than ten out of the one hundred and twenty-

eight of the members of the legislature — I state as my positive and unqualified conviction, that not ten per cent of the moneys reported to be paid to lobby agents ever pass out of their pockets; I doubt if five per cent does; I have had pretty good opportunities of knowing it — not simply from observation, but from the fact that I have had facilities of learning absolutely about these things which very few men have had; you, Governor Alvord, have had the same facilities; I do not believe that members of the legislature get the money they are reputed to get; I think they are slandered; there may be some men that get some money; I say to you that it is a pretty dangerous thing for a member of the legislature to take money, and, when he takes it, every one knows it; he cannot take it but every man knows it.

Q. Right in this connection you have stated the manner in which this bill passed? A. As nearly as I recollect.

Q. Under those circumstances, was there any necessity whatever, upon the recommendation of so reputable a body as the commissioners of emigration to the legislature, with the reasons given therefor, that that there should be any money used to pass the bill? A. I do not believe there is any necessity to pay money to pass any bill; I have introduced and had passed over 200 bills, and I never had any man ask me for a dollar.

By the CHAIRMAN:

Q. This question is asked in view of this — it is a noted fact, as it appears, that over $60,000 was paid by these steamship companies for the purpose of passing this bill in the legislature, reducing the head-money in 1871, under representations to the agents of these companies that it was necessary to be used at Albany for the purpose; now, the question which Governor Alvord puts to you is in view of that fact? A. I do not believe it was necessary to spend any thing.

Q. In view of the fact that there was a recommendation of a board of reputable gentlemen that it was in the interests of the state to reduce the head-money from $2.50 to $1.50, backed by the fact that there was no opposition in any quarter, was there any real necessity for spending a dollar in the legislature? A. Not the slightest.

Q. And under those circumstances, do you believe that any one who pretended to have any money thus to expend, ever did expend a dollar? A. I don't believe he did; I don't know any thing about it, of course, but I never heard of a dollar being spent to pass this bill.

Q. If I understand you, the thing went along by unanimous consent, and you do not even recollect seeing Mr. Nolan around Albany at the time? A. I do not.

Q. The passage of the bill could not have created any excitement? A. No; the bill passed along quietly.

Q. Mr. Jackson stated the other day that the board was not unanimous on the reduction of the head-money; but the ayes and noes not being called, he cannot give the names; now, have you any objection to name the gentlemen who wrote to you that they were opposed? A. I cannot say whether it was Mr. Schack and Mr. Wallach, or Mr. Schack and Mr. Lynch, the president of the German society, and the president of the Irish society; I think it was these two; I am not positive.

Q. I understood you that both these gentlemen had originally been in favor of the reduction? A. No, I did not say that; I said that the resolution came to us adopted by the board, without any dissenting vote being recorded.

Q. From May 1870, to January, 1871, Mr. Jones was counsel for the board? A. Yes, I resigned in 1871.

Q. Did you know that, in the year 1870, Nolan was connected in business with Jones? A. No.

Q. Was he, as a fact? A. I don't know about that; he was connected in busines with Jones, under the firm of Palmer, Jones & Nolan, in 1869; but I think they dissolved partnership at the time that Jones was appointed postmaster.

Q. When was Jones clerk of the court of appeals? A. He was elected clerk of the court of appeals in 1865, I think.

Q. Nolan was then his deputy clerk? A. That I do not know.

Q. That was the fact; who was counsel for the commissioners of emigration? A. General Hillyer was appointed after Jones; when I came in May, 1870, I think Jones was counsel; I am positive.

By Mr. GEDNEY:

Q. Mr. O'Neil was employed as architect for the erection of buildings at Ward's Island, when this wall was contracted for? A. Yes, sir.

Q. He was employed to make these plans and specifications? A. Yes.

Q. Did he continue in the employment of the commissioners of emigration until the completion of the sea-wall? A. I am not exactly positive of that; I think he did; my impression is that he did continue until the wall was finished, and yet it is possible that he may have been discharged before the wall was entirely finished; I know that he was discharged, because the specifications for the lunatic asylum were so absurd and ridiculous.

Q. If he was employed until the completion of the wall, why would they require an engineer to certify the quantities? A. I don't remember about that.

Q. If that was the fact, then the presumption is that it was his

incompetency? A. He was clearly incompetent as an architect; I thought so from the beginning, and opposed his appointment.

James E. Serrell sworn.

By Mr. WAEHNER:

Q. You recollect the work of building the sea-wall on Ward's Island? A. Yes, sir.

Q. Did you make any survey of that work at any time? A. Only one, which was after the work was all finished.

Q. State what you did; did you take the measurements? A. I took full measurements of every part that was exposed, and the portion of the wall filled in by embankments; in regard to that I had to obtain information from Mr. Hearn; he made a certificate, which went in at the time, and explained as to certain portions which I could not see, those portions having been covered by the filling.

Q. By whom were you directed to make the survey? A. By the commissioners.

Q. Have you got a memorandum here now, showing the extent of your survey? A. Yes, sir; here is a letter from the commissioners, authorizing the survey to be made.

[Letter dated June 8, 1871, signed by B. Casserly, superintendent, directing Mr. Serrell to survey and measure the sea-wall at Ward's Island, recently built for them by contract, and referring him to Mr. Hearn for information.]

Q. These are the specifications? A. Yes, I had them copied or a copy was given me.

Q. Did you examine the specifications to see if the work had been completed in pursuance to the specifications? A. No, because there was a great deal of it I could not see; all I could do was to take a cubical survey, and that is all the certificate says.

By Mr. ALVORD:

Q. I see in the specifications, that this wall was to be of a certain width at the bottom and to be of a certain width at the top; what means had you to know that the batter was kept up from the bottom to the top? A. That was on the outside, which was the exposed side, the wall at first standing in *this* position (illustrating); a portion of it was filled in, and I could not tell whether this side was vertical or not; it was to a certain extent a surface survey.

By Mr. WAEHNER:

Q. You only took the dimensions, so far as the cubic feet were concerned, of the wall built? A. Yes.

By Mr. ALVORD:

Q. Suppose it was to be five feet at the bottom and two feet at the top, and it battered, could you see where it was filled in on the other side? A. There was a large proportion of the wall that was not filled in.

Q. So that you were able to see, as far as it was exposed, whether it was built according to contract? A. It was built according to the contract referred to in the specifications; the specifications referred to a plan which does not appear to have existed; the wall is thicker than is mentioned in the specifications, which, however, say "*About* six feet at the base and four feet at the top, battering;" I was over there for about two days.

By Mr. GEDNEY:

Q. From that specification, what would be the depth of the wall in the earth? A. There is nothing to control it there that I can see; there is no profile of the bottom given and nothing to show.

By Mr. ALVORD:

Q. In your measurements, as I understand, of the work, you had to go very largely on the representations of the superintendent? A. Not very largely, because a large proportion of the back of the wall was not filled in; it stood independent of the bank; the wall was built before the filling was put in behind.

Q. Was it not part of the contract to fill in back of the wall? A. No; that was done by the folks on the island.

Q. What method had you for discovering the depth of the wall? A. It stood right in the water, and a large proportion of it was not filled in behind; the form of the shore was not the same as the form of the bank.

Q. Was there a dispute about the measurement? A. I think there had been.

Q. And you were called in as an expert? A. Yes, sir; I only made one measurement.

Q. Was Mr. O'Niel, at the time of your measurements, the architect there? A. Not that I am aware of; I think Mr. O'Niel was over there the first day when I only made a general examination; Mr. Hearn was the gentleman who gave me the information which I could not obtain myself.

By Mr. GEDNEY:

Q. Have you got the figures from which you arrived at this result? A. I have.

Q. Would they, according to rule, have been attached to your result? A. No, sir.

Q. Why not? A. It is never customary in making an estimate, unless it is required, to give any more than the result; if a question comes up, the minutes can be produced at any time.

Y. You consider these your private items, from which you arrive at your result? A. Yes; the same as a mason says that he would build a house for so much money; he keeps his calculations.

Joseph John Hearn sworn:

By Mr. WAEHNER:

Q. Were you superintendent of the building of the sea-wall on Ward's Island during the year 1871? A. Yes, sir.

Q. Were you appointed superintendent at the commencement of the work? A. Not exactly at the commencement of the work, but very soon after.

Q. Then some part of the work had been done before you undertook the superintendence of it? A. Yes, sir; for the commissioners.

Q. Do you know who did the work as superintendent before you? A. I believe the work was let out to subcontractors, and was in the hands of subcontractors for a portion of the while; the work was not properly done, and then I was appointed as superintendent.

Q. Do you know who these subcontractors were? A. No; I never knew them before, and I have never seen them since; General Husted told me I should report how the wall was building; I did so, and they were stopped.

Q. Did you give your whole time as superintendent to the superintendence of this work? A. I did, sir; I was there every day from morning till night, unless when I got leave from the commissioners to leave on Saturday evening, and then it would be about half-past 10 on Monday morning before I returned.

Q. Were there any persons except the employees of the contractor, Mr. Clark, at work on this sea-wall? A. No, sir.

Q. You are quite sure of that? A. I don't recollect any one working there except those who were working under Mr. Clark.

Q. Were any immigrants on the island employed by the contractor? A. Not to my knowledge, and I think they were not.

Q. Do you know whether any of them did work on the sea-wall? A. Not on that part, but they did afterward on another part of the sea-wall under my supervision for the commissioners; I worked the whole winter with them on another wall.

Q. What winter was it that you worked with them? A. In the winter of 1871, I think, or 1872.

Q. I would like to have that distinctly from you — the months and year? A. I was appointed to another position by the commissioners of emigration after the termination of the building of this sea-wall, and although my duties did not require that I should go out and build a wall, the superintendent requested that I would go with the men and help to repair this wall, and I did so; I kept them working all the winter — not because my duties required it, but because I was asked.

Q. Did these men receive compensation for these services? A. They did — a plug of tobacco from me every week.

Q. Did you make any charge for them to the commissioners? A. No, sir.

Q. Did you receive any thing outside of your salary? A. No, sir; and besides, it was outside of my duties to superintend this wall.

Q. I see a certificate of yours saying that in accordance with the contract, Mr. Clark has supplied 150 yards of small stone; did you make any measurement to see if that was correct? A. I did, sir; the commissioners ordered four loads of stone to be dumped up against the wall to keep the surge of the steamboats from washing, at my suggestion; and when three loads came I found that that was sufficient and that was all that was dumped, and that is all that is certified for.

Q. Was that included in Mr. Clark's contract? A. No, sir, that was at my request to the commissioners, in order to secure the wall; that was outside of the contract altogether.

Q. Do you know whether he received any extra compensation for it? A. Yes, he did; that certificate was in order that he should get compensation for it.

Q. Detail what you did from day to day to ascertain how the work progressed and as to whether or not the contractor complied with the terms of his contract? A. I had a copy of the contract and specifications: coming on the time of payment, or when Mr. Clark thought that he had a sufficient amount of wall built to be entitled to payment, he would come to me to get me to measure the wall; I always kept a memorandum of what I had previously certified to; and then I would measure over and see the additional amount he was entitled to payment for, and if there was a sufficient amount built I would certify to it.

Q. How long did you continue superintending the wall? A. Until its completion.

Q. Did you make any certificate or return any certificate to the building committee, of the measurements you took from time to time? A. Every week.

Q. How often did you make those measurements? A. I made them

every week before I certified to them, and I sent the certificate to Mr. Casserly every week.

By Mr. VOSBURGH:

Q. Have you any practical knowledge as a civil engineer? A. No, sir; I am a mason by trade.

Q. Do you know how to take measurements of a wall of that kind? A. Yes, sir.

Q. Had you taken any before you went there as superintendent? A. Yes, sir; many times.

Q. So as to ascertain the cubic feet? A. Yes, sir.

Q. Tell us how you measure to ascertain the amount of cubic feet? A. I measure the length, the breadth and the depth in feet, and multiply them together, and divide that by 27, which gives the result in cubic yards.

Q. Where were you educated? A. In Ireland.

Q. What part? A. I was born in the west of Ireland.

Q. Educated at what school? A. In a common school; I learned my mathematical education in an academy.

Q. This measurement here is by cubic feet, not by yards; now, to get at the cubic feet, how did you measure it? A. I measured the length of it and the width of the wall and the depth in feet, multiplying them together, and that gave the number of cubic feet; there was no further necessity of figuring, as I understood; that is the rule we go by in Ireland.

Q. Suppose a wall two feet wide at the top, and four feet at the bottom, and six feet high; how would you calculate that? A. I would add the width of the top and the bottom together, and divide.

Q. That is the way you did in every instance? A. Yes.

Q. You kept a memorandum every week. A. Yes, sir.

Q. And the following week did you make a measurement of the entire wall, deducting from it the previous measurements? A. Yes, sir; if I did not measure the entire wall, which I did not always do, I made a mark upon the wall, and measured from that mark; if there was any doubt about it, I would go over the whole wall.

Q. Then what was the necessity of having a survey made? A. Mr. Clark, when the work was done, made a measurement, and I also measured, and we differed; I suggested to Mr. Casserly that it was better to have a person who was not connected with the building of the wall at all to come there and measure; it was it my suggestion that Mr. Serrell come; the first time Mr Serrell came there I received a letter from Mr. Casserly that Mr. Serrell would come and meet me, and to have Mr. Clark there to be present at the measurement; Mr. Clark was sick in bed when Mr. Serrell came, and I requested him

not to make the measurement until Mr. Clark was there; he did postpone it, and the next day he came there Mr. Clark was not present either.

Q. What was the difference between your measurement and the measurement which Mr. Serrell made? A. A mere trifle; I guess I was a few feet less than the surveyor.

Q. How as between the surveyor's measurement and Mr. Clark's? A. There was a considerable difference; I do not now recollect how much.

Q. Was Mr. O'Neil there at any time? A. He used to come there occasionally.

Q. How often? A. Mr. O'Neil, according to the contract, had to certify to the amount of work done; the commissioners got dissatisfied with him, and discharged him, and made it so that I should survey; the first certificates were to be by Mr. O'Neil and me jointly; in the latter part, when he was discharged, the certificate was altogether from me.

Q. While you were there together, Mr. O'Niel superintended the work? A. Mr. O'Neil came only there occasionally; I used to make regular weekly statements to Mr. Casserly, for the information of the board, how the work was progressing, but gave no certificate on which payments were made until after Mr. O'Niel was discharged; after he was discharged, it came to my turn to give certificates.

Q. Tell us what Mr. Niel did to ascertain how the work progressed? A. He took my word for it.

Q. Did not make any measurement himself? A. He did on one or two occasions, I believe.

Q. As a general thing he took your word? A. When I say as a general thing, I think he took measurements not over two or three times.

Q. As this work progressed, Mr. O'Niel could not see part of the work? A. He could not see to the bottom on the inside of the wall.

Q. This part of the wall that he could not see he had to take your word for? A. Yes.

Q. How long did you continue in the employment? A. Nearly three years.

Q. What were your duties after this work was completed? A. I was appointed superintendent in the boys' department and superintendent of out-door labor.

Q. What is your opinion as to the value of that work as compared with the price obtained by the contractor? A. It was very expensive work to do.

Q. Was it worth the price that was paid? A. I think it was; if I did not think it was worth it, I would not have advised the commis-

sioners to give the balance of the work to him; there was only five hundred feet named in the contract in the first place, with the privilege of continuing if the commissioners saw fit; they asked my opinion, and I said the best thing they could do was to let him have it.

Q. How long is the wall? A. One thousand and fifty-two feet.

Q. It was enlarged under the provisions of the contract to about double the first amount named? A. There is part of the wall six feet above the foundation, part seven and part nine feet.

Q. It is double the lineal measurement mentioned in the contract of 500 feet?

A. Yes.

By the CHAIRMAN:

Q. I see that the commissioners, in the report of 1871, say that the extension of the sea-wall has added a considerable space to the land?

A. I believe the extension refers to what I am stating; beyond the 500 feet.

Q. The commissioners further say in their report that, "the continuous employment given to the able-bodied on this work during the winter has had the best results, and gone far to prevent the evils sure to occur when a large number of men are supported in idleness." They refer to the continuous employment in making this sea-wall?

A. It was filling in the wall behind it; they did not build any of the wall.

Q. That work did not come within Clark's contract?

A. No, sir; the wall was finished first.

By Mr. ALVORD:

Q. I thought I heard you say in the first part of your examination, that you were employed outside of the duties that you were instructed to perform in repairing the sea-wall?

A. I was appointed superintendent of the boys' department, and my duties would have kept me there: there were some men that knew how to build a wall in refuge, and Mr. Wells, the superintendent, asked me if I would not take them out and repair the old sea-wall in front of the office.

Q. It had nothing to do with this sea-wall?

A. No; it was a good distance from it; I did so, and kept the men employed until the wall was repaired.

By Mr. GEDNEY:

Q. How deep was this wall below low-water mark?

A. In some places two feet, and in some places three feet below low-water mark: in some places there was a soft foundation.

Q. Who directed the depth of the wall?

A. The architect directed the depth according to the depth of water and I went according to his orders.

Q. You went beyond any directions in the specification to find the depth?

A. Yes, sir; I went down to find solid bottom, so as to make a good foundation, no matter what the depth might be.

Mr. VOSBURGH moved that the committee do now adjourn.

Carried.

The committee thereupon adjourned to meet at Castle Garden on Thursday, July 22, at 10.30 A. M.

NEW YORK, *July* 22, 1875.

The committee met at Castle Garden, at 10.30 A. M., pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Gedney, Vosburgh and Waehner.

Edmund Stephenson, called and sworn:

By Mr. WAEHNER:

Q. Were you at one time commissioner of emigration? A. Yes, sir.

Q. When did you take office? A. I forget the day; the first day I met with the board was on the 19th day of May, 1873; I forget the day on which my oath of office was filed.

Q. You continued in office until what time? A. Until the 17th of May of the present year.

By Mr. VOSBURGH:

Q. Has your resignation been accepted? A. I am not aware of it, whether it has or not; I mailed my resignation to the governor, and I never received any reply to it.

Q. And you don't consider yourself a member of the board at present? I don't feel that I am, having resigned.

By Mr. WAEHNER:

Q. During the time that your were in the board, from 1873 to 1874, I see that the salaries in 1874, for Castle Garden state agencies, amounted to $74,177.71, and the Ward's Island salaries amounted to

$44,583.57; can you tell us, Mr. Stephenson, whether you regarded, or do now regard, those salaries as being too large for the necessary expenses of running the board? A. I did so regard, and I do so regard them now.

Q. Whilst a member of the board, did you take any action or make any move to reduce the salaries of the officers, or to reduce the number of employees? A. I did.

Q. Will you state in what particulars you sought to make these changes?

A. I think, if my memory serves me right (and I don't think I am mistaken), about the month of October, 1873, when emigration had fallen off considerably, from May, 1873, until October, 1873, the emigration was pretty large; in the month of May, I think it was, forty odd thousand landed on this wharf, and so it kept on pretty heavily until October; I think it was in the month of October, 1873, a resolution was introduced, if I am not mistaken, by Commissioner Forest, to make some two or three changes, one of which was the clerk of the Irish Emigration Society; I don't remember whether the clerk of the German society was embodied in the resolution, but one or two other changes.

Q. What was the nature of the change suggested? A. To dispense with their services; the question was deliberated in the board, *pro* and *con.*, and finally a resolution was offered of this character, I cannot remember whether by myself or by Commissioner Starr, but by a member of the board, that the matter of the reduction of the expenses of the department of the commissioners of emigration, so far as related to Ward's Island, should be referred to the Ward's Island committee, and so far as related to Castle Garden should be referred to the Castle Garden committee; that year I was only a member of the Ward's Island committee, I was not a member of the Castle Garden committee; after the adjournment of the meeting, and before the next meeting of the board, I called a meeting of the Ward's Island committee, at Ward's Island, to take action upon the resolution which had been referred to me, and a copy of which had been sent by Mr. Webster, the then superintendent of the commission; I brought the subject before the committee, and recommended, I think, every change that was made myself, personally; I think every thing that was done was done upon my own personal recommendation; first I proposed to cut off all free board; at that time I had made a calculation of the expenses of the board for nurses, orderlies and other employees of the department, which, as near as we could estimate, together with the opinion of the then superintendent of the island, amounted to about $25,000 a year for board.

By Mr. VOSBURGH:

Q. For the employees? A. For the employees.

By Mr. WAEHNER:

Q. Per annum? A. Per annum; I proposed to cut off that expense; I did not think that orderlies and helpers and sweepers, who were receiving but $5 a month pay, were entitled to equal board with the superintendent of the island, who was receiving $3,000 a year, and the board served was equal to both parties; it was thought at that time by some of the committee impracticable, that it could not be done, I insisted that it could be done and I pressed it to a final vote, and it was carried, and in lieu of board we cut off all the orderlies, helpers and nurses from free board, and they were allowed only the board of inmates, with the exception, I think, of half a pound of butter a week, and half a pound of steak each day; they had that extra allowance given, but they had no additional compensation as salary.

Q. When did that take effect? A. That took effect on the 1st of November or December, I don't remember which, of 1873; the executive officers of the island, those who were appointed regularly by the board, what I mean by "executive officers" is clerks in the Verplanck hospital, the superintendent's deputy, and the foreman of out-door labor, and the steward, in all about 15 or 16 of the employees were allowed additional compensation for board at the rate of 50 cents a day as an increase of salary; then I proposed the curtailment and cutting of the helpers at $5 a month; I also proposed the reduction of the orderlies and the nurses to an equal standard, that is to say, that they should have so much per month each; I found that some were receiving as high as $20 and $22 a month, and others were receiving but $10 a month, and both performing the same kind of services, some of whom, those who were receiving but $10 a month, in my judgment, and in the judgment of the doctors, were better nurses than some who were receiving $20 and $22 a month, and I think at that time there was a reduction made of some $15,000 or $20,000 in all; it was calculated that was about what it would amount to.

By the CHAIRMAN:

Q. Including board and all? A. Yes, sir, in the curtailment of those expenses.

By Mr. WAEHNER:

Q. The proceedings of your committee were in minutes of some kind? A. Yes, sir; they are here now; I think that took effect upon the first; I am not certain whether it was November or December, but it was one or the other of that year, 1873.

Q. When the new commission came into office, what did this new commission do with relation to the changes in the officials and employees of the department; did they not make a thorough change throughout? A. No, sir; they did not.

Q. They did not? A. No, sir; the secretary of the board, Mr. Casserly, resigned, and Mr. Webster was appointed in his place.

Q. Whose appointment was Mr. Webster? A. The unanimous appointment of the board; I don't think he was the appointee of any one; I think Commissioner George Starr nominated him; he was unanimously elected, however.

Q. Did you regard the position of Mr. Webster as necessary to the board? A. At the time he was appointed I did.

Q. Up to what time did you deem it necessary to have him in office? A. I deemed it necessary up to the time he was removed, and, after he was removed, I thought at that time it was a mistake in not having a general superintendent, but since that time, from my connection with the board, I became thoroughly convinced it was a useless office, and it could be dispensed with.

Q. Did you ever investigate to see the necessity of the existence of that office during the time you were a member of the board? A Not specially; not to make it a special inquiry, I didn't; I regarded that it had been an office for some twenty-five years; and men who had much larger experience in the commission, and longer experience than I had deemed it so, and I had nothing brought to my mind which would convince me at that time that it was an office that could be dispensed with.

Q. Now, with relation to the office of treasurer; when was that declared vacant? A. I think that was either in the first of 1875, or in December, 1874; I don't recollect about that, but it was very recently, however.

Q. Did you regard that as an essential office during the time you were here? A. I never did; I regarded it as a clerical office.

Q. Were ever any steps taken, during the time you were a member of the board, to abolish that office, except the final action you have spoken of? A. No, sir; not that I know of; steps were taken to reduce the force in the office, and also the treasurer's salary.

Q. At whose suggestion were those changes made? A. By mine, as the minutes will show,

Q. Can you tell us whether you regard the present force of employees as sufficient or superfluous to carry on the business of the commission successfully, if you know how it is at the present time? A. I don't know; I have been absent from the commission since last May, and I don't know except as I read through the papers of the condition of the commission; at the time I had left, long before I

left, I was thoroughly convinced that the force was much larger than was required.

Q. And at the time you left the commission you regarded the force as too large? A. Yes, sir; I did.

Q. In what particular did you regard it as too large at that time? A. Both in Castle Garden and Ward's Island.

Q. Were there any particular offices you can designate that you thought could be dispensed with? A. Well, I thought in the landing department it was not necessary to keep five men employed to land 150 to 200 men a day on an average; I thought an English clerk, and one who could speak the German language so as to assist in the work, could do it, and I think they could do it now; in Ward's Island bureau they could be dispensed with; I think the labor bureau could be dispensed with to the advantage of the people and the city of New York.

Q. Did you not think the labor bureau as an important part of the commission to furnish labor to emigrants coming here? A. I would regard a labor bureau, if properly conducted, as conducive to aid the commission in procuring employment; as it had been conducted during my term of office I regarded it as an utter disgrace.

Q. What were the particular causes of complaint you had to make against it as to the manner of its being carried on? A. No discrimination was made whatever in regard to the persons who sought employment.

Q. Persons from the country would come here to seek for labor and they would hire them? A. Yes, sir; 10, 12, 15, 20 and perhaps 40 men; they would pay their expenses, and in one instance I have know they would pay all their expenses to their place of work, and the next morning those men would strike; they would contract and agree for a price here, and the next morning those men would strike and refuse to work unless they were given so much money, and they would be admitted again, and they would do precisely the same thing over again, and they would be readmitted, and they have been known to receive as many as 18 places in a year; I think it was an imposition on the public to hire such persons without knowing their character; it is not the way private business is conducted, and is not the way in which public business should be conducted.

Q. When you were in the commission did you take any steps to remedy that matter? A. I did, and gave instructions to the superintendent of the labor bureau to dismiss all such cases and not admit them; he told me he had done so in several cases, and by the order of another commissioner they would be reinstated.

Q. And what was the name of the commissioner? A. Commissioner Lynch.

Q. Were those instances frequent? A. Very frequent; I will read you a list of them.

"NEW YORK, *Feb.* 1, 1875.

Hon. EDMUND STEPHENSON, *Commissioner of Emigration:*

SIR — In accordance with your instructions, I herewith submit a report of the names of the women who have secured three or more situations within a period of one year. You will also find a few personal remarks concerning their character which I became acquainted with during my term of office.

Names.	No. of places.	Remarks.
Bridget Barry	13	Notorious character.
Kate Boyle.....	11	This girl landed in May, 1874; she is a notorious fraud; never keeps a place.
Kate Chute	10	This woman has had over 25 places within a period of one year and a half.
Jane Morrison	8	A notorious character; she is charged by Mrs. Austen, of Great Neck, L. I., with having broken open a chest, and taking therefrom articles of great value.
Mary O'Brien	9	Since the 1st of September, 1874.
Mary Petit	8	
Mina Reid	7	Fraud; never keeps a place.
Mary Murphy	6	Since the 1st of September; she is a hard drinker; has been expelled a number of times.
Hannah Coyni	6	She has been expelled from this bureau twice; she is a gay deceiver.
Alice Dolan	4	This woman is a notorious imposter; she was expelled for giving impudence to Mrs. Moody, and a constant expense to the commission.
Bridget Coffee	..	Never takes a place; she is a Castle Garden bummer; she has been to Ward's Island a number of times; a constant expense to the commission.
Jane Conroy.....	3	Never takes a place; she is a notorious imposter.
Mary Anglem	5	
Ann Ahern	4	Within a period of twenty days.
Mary Ahern.....	3	
Ellen Brady.....	4	

Names.	No. of places.	Remarks.
Eliza Bloomfield	7	This girl landed last June.
Mary Barrett.....	6	
Annie Shay	5	Never keeps a place.
Bridget Stanton	2	This woman persistently refused to take a place at reasonable wages, and, upon being notified that she would be expelled from the bureau, if she did not take a place, used the most abusing and insulting language imaginable; she has been to Ward's Island eight times, being discharged from there last May for disorderly conduct. This woman was permitted to frequent the bureau, after being expelled by Com. Starr, by order of Com. Lynch.
Bridget Spellman	7	This woman is a fraud, and never keeps a place; she has been to Ward's Island, also to the Albany poor-house; is a constant expense to the commissioners of emigration.
Mary White.....	1	This woman has been in this country three years, and has had but one place in that time, and she stayed there about one week, consequently she has been a constant expense to the commission and a fraud to the public.
Rose Smith.....	7	This woman was one of the worst characters this bureau ever had the misfortune to deal with; she is a prostitute of the lowest order; a park bummer, being constantly in the company of drunken sailors; to my knowledge I have seen her on the battery with drunken sailors; she never kept a place, and force had to be used in order to expel her from the bureau.
Ellen Murphy	4	Since September 1, 1874.
Hannah English.....	3	Since September 1, 1874.
Kate Slatterry.....	..	Castle Garden bummer; constant expense to the commission.
Ann Nolan	3	
Ann Sarah.....	2	
Ann Delia	..	

Names.	No. of places.	Remarks.
Mary Boyers	..	This woman is a hard case; she called Mr. Tyson an English son of a bitch.
Ellen Flannigan	..	Never keeps a place.
Mary Saunders	..	Never keeps a place.
Julia Walsh	..	Never keeps a place.
Catherine McManus	..	Never keeps a place.
Ann Landers	..	Never keeps a place.
Ann Walsh	..	Never keeps a place.
Mary Callihan	..	Never keeps a place.
Kate Miller	..	Never keeps a place; hard case.
Ann Mackin	..	Never keeps a place; hard case.
Ann Relly	..	Never keeps a place.
Mary Mallory	..	Never keeps a place.
Delia Kerrigan	..	Never keeps a place.
Ellen Kenrick	..	Never keeps a place.
Bridget Hartnet	..	Never keeps a place.
Kate Kelly	..	Never keeps a place.
Mary Laddie	..	Never keeps a place; four places in one week.
Elizabeth Slatterry	..	Never keeps a place.
Ann Cosgrove	..	Never keeps a place.
Catherine Hanifer	..	Never keeps a place.
Ellen Fisher	..	Never keeps a place.
Mary Prenderble	..	Never keeps a place.
Eliza Fagan	..	Never keeps a place.
Bridget Hughes	..	Never keeps a place.
Mary Keohane	..	Never keeps a place.
Harriet Short	..	Never keeps a place.
Rose Donnovan	..	Never keeps a place; hard case.
Honoria Garvin	..	Never keeps a place.
Bridget Wasterson	..	Never keeps a place.

All of the above women have been sleeping in the garden at the expense of the commission, and refuse to work at reasonable wages.

All of which I respectfully submit.

I am your obedient servant,

C. H. KEELER,

Clerk of the Bureau.

Q. Did the board, at any time, bring this matter to the attention of the commissioners? A. I brought it to the attention of the executive officer of the board, who had the entire charge of the matter.

Q. Who was that? A. Mr. Jackson.

Q Did Mr. Jackson, at any time, make any suggestion to that? A. He acknowledged the fact that it was not done properly.

Q. But no formal action was ever taken by the board? A. No formal action, except in one case where the clerks had put a list for their own information inside of their desk, and which was not discernible by any immigrant, and was in order to get them when any respectable lady would want to employ a girl, that they could look at them to know the character of the girl they would recommend, so as not to recommend one of those girls; Commissioner Lynch went in the garden one day and found this there, and he brought the matter before the board and moved to expel him for it; Commissioner Starr took exception to it, and stated that this bureau was a receptacle for prostitutes, for women who seated themselves during the day, and at night went on the battery and prostituted themselves, and he thought the clerk did perfectly right; when Commissioner Lynch found he could not remove the clerk, he moved to reduce his salary to $100 a year; that was about the action of the board.

Q. Was that motion carried? A. No, sir; it was not.

Q. Was there any thing else in the management of the board, or of the commission, that, in your judgment, required correction during that time, so far as the employees were concerned? A. So far as the general management of the commission was concerned I always regarded it as in a sort of demoralized condition the whole time I was in the commission, that what one commissioner might do another commissioner would upset.

Q. Then the trouble was that there was no harmony among the commissioners? A. No, sir; no harmony in the board; I have myself turned disorderly persons off of Ward's Island for disorderly conduct — ordered them discharged; they were so discharged by my order, and within forty-eight hours they would be returned back to the island again.

By Mr. VOSBURGH:

Q. By whose order? A. I don't know by whose order; I have also ordered persons discharged who were offered $10 and $12 a month for their services, regarding them not as destitute emigrants when they were able to earn a living, and who were offered a living; I have ordered them discharged, and the superintendent of the island has also done the same thing, and the parties would be returned back to the island, and before they would leave they would say that they would come back again; I regard that as demoralizing in any institution.

Q. Did you ever take any steps to find out who the person was that was responsible for such action? A. Never, except complaining as a general thing to the members of the board.

Q. Did you ever bring that to the attention of the board? A. I think I have on several occasions.

Q. Can you mention any particular occasion on which you have done that? A. No, sir; I don't know that I could, specially; I know I have done it very frequently during my term of office.

Q. I suppose the minutes of the board will show that? A. Very likely; if it was a matter of a motion they would; I would further state in regard to the expense of the commission, that in January, 1874, when it was apparent that emigration had fallen off, and would fall off very materially during the year 1874; I think the steamship companies were invited to meet with this board; I don't remember whether they were invited by any action of the board or whether it was voluntarily on the part of the steamship companies to meet the members of the board; I know they received a note to meet the companies here; this was in January, 1874; the statement was there made by the steamship companies that from all the information they could get from their agents on the other side that emigration would fall off nearly, if not quite, one-half during 1874; that year the report which went to the legislature, asked for an increase of head-money to $2.00, I think, or $2.50, I don't remember which, but, however, it was an increase; although I did not directly oppose the increase, yet it was generally known that I was opposed to it; I stated then, on the 1st day of January, 1874, publicly in this board, within the hearing of the members, that I would give $1,000,000 security and would give $25,000 for the contract, and would run the commission under the law governing the commission for $1.50; that I thought the commission should be run as a man would run his private business; that was my statement in 1874; I then made a motion to curtail and reduce the expenses of the board; I forget what amount it was; it was very considerable.

By Mr. VOSBURGH:

Q. Was that in January, 1874? A. That was along in the spring of 1874, and no action whatever was taken until after an article appeared in the New York *Times* of the 9th of March, 1874, on Sunday, which can be produced; I was at Ward's Island that day, and met a *Times* reporter; there had been a discussion going on in the board about a reduction of the expenses, and all that sort of thing, and the *Times* reporter met me at the office and interviewed me, as reporters generally do, and I gave him my opinion of what I thought the commission should do; that the commission was running into hopeless bankruptcy in the way they were going on, and that the wants of the commission didn't demand the amount of employees that were then employed, and that article caused an action in the board; I think at the next meeting an effort was made — I guess it was the next meeting of the

board — I am certain it was the 17th of March, an effort was made, to withdraw the propositions that had been made between some of the members here, whether at a committee meeting or not I don't remember, but I know the proposition was made to reduce certain expenses, and cut off certain officers, and we did carry it through, but it was afterwards declared illegal through the action of Commissioner Kaufmann, the president of the German society, and he was also *ex officio* member of the board; we introduced resolutions reducing the expenses and cutting off a large number of employees at Ward's Island and Castle Garden, and during a meeting of the board, at which a quorum was present; Commissioners Lynch, Forrest and Kaufman arose from the table, without leave of absence, and retired from the room, and broke up the meeting, and Commissoner Kaufmann went personally to some of those who had been discharged and advised them to resist the action of the board as illegal, and promised to act as their counsel, and notice was served by one of the clerks, Mr. Van Poser, denying the authority of the board to remove him; this was in March, 1874.

By Mr. WAEHNER:

Q. To what do you ascribe the demoralization existing in the board, or the want of harmony; what seemed to be the trouble? A. Probably the first cause of disturbance, which was already in existence before I became a member of the board, was the religious discussion on Ward's Island, in relation to a church which had been built; I found there was considerable feeling over that; in fact the first conversation I had with any member of the board in relation to it was on the 19th day of May, 1873, the day we organized; after the board was organized, we took the boat to Ward's Island to make an inspection through the departments; in walking through the island we passed the church; I had not heard and knew nothing about the church, prior to this time, and didn't know there was any feeling or discussion in the board about it; Mr. Kaufmann and Mr. Forrest both brought the matter to my notice, being chairman of the Ward's Island committee, that this matter should be settled, that the church was built for the emigrants and not for any sect, and that the matter should be setsled by this board, as it had not been by the previous board; after an examination into the affair, I became convinced, in my own mind, it was right that if the church was built from the head-money of people of all religious denominations, that it should be, what was intended, a church for emigrants and not for any particular sect, and the matter was referred, on motion of Commissioner Maujer, not on any motion of mine, to the Ward's Island committee, to settle the matter of this religious controversy; being chairman of the committee, it

brought me somewhat in prominence; I had to take note of it and was officially notified of it by the secretary of the board; we went through an investigation, and found there was not only an ill feeling between some of the commissioners but between the Protestant minister on the island and the Catholic clergyman on the island; I found charges of all sort of proselyting, and some of them on investigation were proved true, and I found there was a good deal of acrimony and feeling; probably that thing caused a feeling which never subsided through the entire year; I think that was the first cause.

Q. Was there any other cause, or was this the only cause of difference between the commissioners, or the cause of the want of harmony in their action? A. Yes, sir; there was another cause.

Q. What was it? A. The other cause was that the *ex officio* members of the board thought they had a right to vote on the matter.

Q. The law expressly excluded them from that? A. Yes, sir; if you will allow me to explain, the first meeting prior to the organization of the board I was notified to attend a meeting of insurance companies on the corner of Broadway and Cedar street; I didn't know a member of the board except Mr. Hurlbut; I think I had seen Mr. Starr, but had not seen him personally, but the other members of the board I never had seen them to my knowledge; this was called by Commissioner Kaufmann, and was an informal caucus; that I don't state positively; I don't know who called that meeting, but I was notified to attend; Commissioner Kaufmann related the condition of the committee to us as republican members of the board.

Q. This was a caucus of the republican members of the board? A. Yes, sir; Mr. Kaufmann was present at the meeting, and he stated the board was republican and he thought the republicans should control the board, that it would be a disgrace to the republican party unless all the chairmen of the committees were republicans, and that the whole concern was rotten, and that you could not keep the stream pure if the fountain was filthy, and particularly urged the removal of Mr. Casserly, and said the whole thing wanted a general clearing out; that was the first meeting of the board, and I presumed from his experience and knowledge of the commissioners that what he stated was perfectly correct; I knew nothing of it prior to my coming there, and acted somewhat on his judgment at first.

Q. What did you agree to do on that caucus? A. He brought up the question of appointments; he asked what would be the action of the authorities in regard to allowing the presidents of the two societies to vote; I said we had nothing to do with that, that the law settled that they were excluded from voting.

Q. Mr. Kaufmann felt dissatisfied with that? A. He thought they ought to have a vote.

Q. Was there any concerted action agreed upon by the board there? A. Yes, sir.

Q. What was that action? A. The action was, that the two commissioners by law were not entitled to a vote, and that we had not the power to give them a vote.

Q. Was there any agreement entered into in relation to a change of the employees of the commission? A. No, sir; as no man's name was mentioned.

Q. Except that of Mr. Casserly? A. Yes, sir, and Mr. Kaufmann said the first thing we should do was to get rid of him.

Q. Was it agreed at that time to immediately get rid of him? A. No, sir; it was not; there was no settled candidate at that time, that I know of, for his place.

By the CHAIRMAN:

Q. Was it understood that the commission was to be run in the interest of the republican party? A. No, sir; it was not.

Q. Any further than that you have stated? A. No, sir; that is all; Mr. Kaufmann made the suggestion himself; he was a member of the board, and had previously been so; nothing of the kind in relation to party patronage was said by any member of the appointed commissioners of the state that I am aware of.

By Mr. WAEHNER:

Q. At the first meeting of the new commissioners, or the second meeting of the parties, were there any changes made — were there any persons removed, and others put in their place? A. There were?

Q. Were these changes considerable or general? A. Well, they were not very considerable; the principal heads of departments were retained; the chief clerks were all retained, I believe, with the exception of the chief clerk of the labor bureau, who, I think, was removed on account of some charges made for accepting commissions; I may be mistaken about the man, but I think it is the same name — Connolly; I was there during the investigation; he was charged with buying and selling tickets; one of the agents of the railway company came there voluntarily and testified that he paid him money, and gave him orders for suits of clothes.

Q. These places were filled by republicans, I suppose? A. Not in all cases, no, sir; I don't think there ever was a time in the history of the commissioners, while I was a member, that a majority of the employees were republican, or any thing like it.

Q. Do you know whether any appointments were made at the suggestion of the minority of the commissioners? A. Yes, sir.

Q. There were? A. Yes, sir; I do know that; I think the minority were consulted equally with the majority in appointments.

Q. Who were the democratic members? A. Mr. Quintard and Mr. Forrest; the mayor, of course, was a member of the board at that time, but he never came there, except on one or two occasions, just before the close of his office, after Mr. Hurlbut had gone to Europe.

Q. You have stated all the causes that produced the want of harmony and demoralization in the board? A. Yes, sir; every commissioner seemed to act independently himself.

Q. How often were your meetings held? A. Our meetings were held, or supposed to be held, fortnightly, but after the fracas of the 17th of March, I think after that we didn't have a meeting for six weeks; we could not get a quorum; I attempted several times to amend the by-laws; I have a copy in my pocket that I introduced at that time, but I could never get them to act on them.

Q. What was the trouble on the 17th of March? A. When we made those removals.

Q. How long was it after that until the board met? A. I think there were some six weeks that the board had no meeting.

Q. Then you say that Mr. Kaufmann acted in conjunction with Mr. Forrest and Mr. Lynch? A. Yes, sir.

Q. Did Mr. Quintard act in company with those gentlemen? A. No, sir; Mr. Quintard stayed there and voted for every removal.

Q. Were there any other changes which you deemed necessary to be made while you were in the commission except those that you have detailed? A. Yes, sir; through the summer of 1874, and the fall and winter of 1875, I found that the hospitals had decreased very largely in numbers; I found that on consultation with the medical board, of which four doctors were present, the chief officer, Dr. Ford, Dr. Chapin, Dr. Mann and Dr. McMaster, I called the medical board to meet at the office of the commissioners on Ward's Island, and suggested that the departments at Ward's Island could be largely consolidated, thereby saving coal, saving gas and saving all the paraphernalia that is used in the wards, such as brooms and brushes, and also discharging orderlies and nurses, and put the question to them in this way: "In your opinion, as a medical board, can these changes and consolidations be made without detriment to the health of the patients?" and the reply was unanimous by the four physicians that it could be done.

Q. Was this consolidation then effected? A. No, sir; not during my term of office.

Q. Has it been effected since you left? A. I do not know what has been done since I left.

Q. When did you leave? A. On the 17th of May of this year; I

introduced resolutions in the board on the 2d day of February, 1875, to put this in effect; those resolutions were referred to the committee.

By Mr. VOSBURGH:

Q. I notice here, in the minutes, a resolution offered by you, giving the list of employees, and reductions of salaries, etc., both at Ward's Island and Castle Garden, showing a reduction of some $20,000 for the year? A. Yes, sir.

Q. Those were both referred to the different committees? A. Yes, sir.

Q. Was there any action taken by either of the committees while you were in office? A. Never during my term of office.

Q. You resigned on the 17th of May? A. Yes, sir; there was also a resolution to consolidate the wards at that time.

Q. In your opinion should not that reduction in lieu of the decrease of emigration — would there be any neglect on the part of the commissioners if that reduction had taken place then; would there have been any neglect on the part of the commissioners in giving attendance to the emigrants as they arrived? A. Not in the slightest.

Q. If those parties had been removed, and the reduction as proposed conceded, the emigrants would have been protected and cared for just as well as if they had the full force? A. Just as well; that was my judgment then, and it is my judgment still; I would also further state that I think in the month of June, 1874 — I think it was in June, 1874 — I know in the winter of 1873, we had four policemen on Ward's Island for whom we paid a salary to the police commissioners of $1,200 each, in addition to their board on the island; I insisted that that expense could be done away with; that people who were there living on charity should not have a standing army over them to keep the peace, and it was on my motion and my persistent efforts that the police were abolished on Ward's Island.

By Mr. WAEHNER:

Q. Those police were first appointed here after the trouble on Ward's Island? A. That was a good many years ago.

Q. And they continued for that reason? A. Yes, sir; I found that they could be dispensed with; they had also day officers to go around the island, and I had them abolished — day officers, not police officers.

By Mr. VOSBURGH:

Q. You said that on the 17th of March, 1874, you offered a resolution for the reduction of the clerical force and employees of the commissioners of emigration, and that three of the commissioners left the

room, so as to leave you without a quorum, and there could be no action taken upon it? A. Yes, sir.

Q. Was there ever any action taken during 1874 for the reduction of the employees? A. Yes, sir; there was after that time, a month or so, probably, after.

Q. What was the action taken then? A. The action was a large reduction, not all that was then recommended, but a considerable reduction was made at that time.

Q. In lieu of the decreased amount of emigration, and, as you have stated before, that in January the steamship agents had been there and informed the commissioners that in all probability the amount of emigration would exceed fifty per cent of the year 1873, do you think the discharge of the employees, when it was done, was great enough in view of the decrease of emigration? A. Yes, sir; I think it was, for this reason, and I gave the reason to the board; I stated that from November until April the clerical force of Castle Garden should be reduced in the same manner that the clerks in the tax office of the city of New York are reduced; in the winter the force is put on to receive the taxes and make out the bills, and in the summer the clerks are discharged; I said the same rule should be adopted here; in the winter, when emigration was at a stand still, there was no need of keeping the same number of employees during the winter that were required during the summer when emigrants were arriving; the argument on the other side was, that it required skilled labor, and they could not discharge clerks who were employed during the summer, and who were acquainted with the manner of registering the emigrants, that they could not discharge them in the winter and take on green hands in the summer; my argument was, that it didn't require an expert to write the name of an emigrant, when he arrived, and the ship he came in.

Q. By retaining the head of each department in the garden, that that would be sufficient, in your mind, to govern the underlings under him? A. Yes, sir; and I also took strong ground and protested against the employment of ten or twelve laboring men, as sweepers, receiving $2 a day, when we were feeding some 200 or 300 able-bodied men at this garden every night, and who were doing nothing in return for it; I thought with the janitor who was employed, and who lived here, that he could pick all the help that was required from those we were feeding, and some clothing, to save some $20 a day; I also brought that as an argument to abolish, and never could get it done.

By Mr. WAEHNER:

Q. What was the argument against that? A. The argument was that they didn't want these men coming around; that they were lousy, but still they were kept in the building and slept here.

Q. How long did they stay there? A. All through the winter; they were fed at the expense of the commission, and ten cents a loaf was paid for bread when Ward's Island could furnish it for five cents.

Q. Do you mean to say a single emigrant could stay here, or that those emigrants were coming here? A. No, sir; these were battery emigrants; the captain of the watch told me some of them were here for eight years.

Q. Were they discharged by the commissioners of emigration? A. Yes, sir; and received again, and if one of them got a place to work he would give his ticket to some one else and he would fall into line; no security was made in regard to those people.

Q. Were any changes made in that? A. Not that I know of.

Q. Did you suggest any? A. Yes, sir; I suggested that it ought to be cut off; I suggested board could be furnished cheaper from Ward's Island than it could from a bakery here.

Q. The commissioners of emigration, during the time you were a member of the board, supported emigrants beyond the period allowed by law for their support? A. Yes, sir.

Q. They did? A. Yes, sir.

Q. Can you give the committee any idea as to what the extent of that support was? A. I have no idea because I never made any personal examination; I only took the story of the captain of the watch.

Q. Who was he? A. Abraham Clearman.

Q. Is he captain of the watch now? A. I don't know.

Q. Was he at the time you left? A. Yes, sir.

Q. I understood you to say awhile ago that you thought the operations of the board could be successfully carried on with commutation money at $1.50? A. Yes, sir.

Q. What number of emigrants would you fix as necessary to carry on the operations of the board at that figure? A. At $1.50?

Q. Yes, the number of arrivals that would be required? Q. Well, I should say it would want to average between 175,000 and 200,000 emigrants; what I mean to say by that is, that one year the commissioners might fall behind, and another year they would make it up, but on the average $1.50 would run the commission, with the buildings all erected, the machinery here and paid for, and nothing to do but simply a matter of repairs, it occured to me — in fact I am confident of it — I am satisfied that, during my term of office, $150,000 was spent, that need not have been spent, if the commissioners had deemed otherwise.

By Mr. VOSBURGH:

Q. In what respect? A. In the payment of salaries and receiving able-bodied men at Ward's Island, and keeping them there, and cloth-

ing them and feeding them during the winter; when they call first a man don't look for any work; he may have money and may not; I have found $500 or $600 in their possession on Ward's Island; there is no minute examination made, but their own statement taken; men from 18 to 40 years of age go there, so they repeat that from year to year.

By the CHAIRMAN:

Q. Do you mean their unsupported statement in regard to their destitution? A. Yes, sir.

Q. In other respects, the commissioners have charge as to whether they are entitled to relief? A. They have the books as to the dates of their arrival, and to that extent identify them; I don't claim that a person is destitute who is offered payment at $10.00 or $15.00 a month as a destitute emigrant and refuses it.

By Mr. WAEHNER:

Q. With emigration as it was last year, and as it has been thus far, and up to the 1st of January, 1866, 90,000 would not be sufficient for the present year? A. No, sir; I don't think it would.

Q. And last year it was what? A. One hundred and forty odd thousand.

By Mr. VOSBURGH:

Q. Last year the emigration was one hundred and forty odd thousand; do you know what the cost of support was over and above the receipts? A. Yes, sir.

Q. Or how much the commission ran in debt? A. Yes, sir: the excess of cost per capita of 1874 over 1873 — the net cost cost was seventy eight cents per capita on the arrivals.

Q. What do you mean by net cost? A. I mean after deducting for improvements, and paying for lunatic asylum, etc.

Q. After deducting construction? A. Yes, sir; the gross cost was two dollars and seventy cents and seven mills; the net cost was two dollars and fifty-four cents and four mills; in 1873 the gross cost was one dollar and ninety-eight cents and seven mills, and the net cost was —

By Mr. WAEHNER:

Q. Those are figures you obtained from your own calculation, or from the report; A. From the report; this will give you a calculation from 1867 right down; it will give you the total number of arrivals and the receipts.

[The following is a copy of the paper produced by the witness:]

STATEMENT of receipts and expenditures, including real estate, improvements, number of alien passengers landed at Castle Garden, gross and net cost per capita, for the past eight years in department of emigration:

YEAR.	Alien passengers.	Total receipts.	Total expenditure.
1867	242,731	$583,154 40	$537,584 54
1868	213,686	602,349 36	662,958 00
1869	258,989	827,488 87	756,158 58
1870	212,170	572,736 00	650,806 10
1871	229,639	613,108 35	605,904 17
1872	294,581	583,930 83	590,793 78
1873	266,818	466,108 22	532,401 74
1874	140,041	334,011 36	379,116 66

$466,401.79; $66,000 unpaid. $328,288.37; $50,828.29 unpaid.

YEAR.	Deduct improvements.	Net expenditure.	Gross cost.	Net cost.
1867	$136,619 21	$400,965 33	$2 21.4	$1 65.1
1868	129,914 53	533,043 59	3 10.2	2 49.4
1869	245,910 02	510,248 56	2 91.9	1 97
1870	111,215 99	539,590 11	3 06.7	2 54.3
1871	116,419 47	489,484 70	2 63.8	2 13.1
1872	129,765 07	461,028 71	2 00.5	1 56.5
1873	61,188 46	471,213 33	1 98.7	1 76
1874	22,119 45	356,997 21	2 70.7	2 54.9

Excess of 1874 over 1873, 78 cents per capita.

By Mr. ALVORD:

Q. The number of emigrants, the expenses being the same for the clerical force, would determine the per capita of the expense, would it not? A. I don't understand you.

Q. The number of emigrants each year as against any other year, the clerical force being the same, would determine the per capita? A. Yes, sir.

By Mr. WAEHNER:

Q. The emigration at a 140,000 last year, would that, in your opinion, be sufficient, with the commutation money at $1,50, to support the

immigrants? A. Well, I hardly think it would pay all the county bills and everything else.

Q. Excluding the counties? A. I think it ought to, yes, sir.

Q. You signed the report; you were president of the commission while you were in there? A. No, sir, I was not.

Q. Who was the president of the commission? A. Mr. Hurlbut was president for two years, and Mr. Forrest was elected last February.

Q. As to sending the report of the legislature of 1874 to the legislature? A. Yes, sir.

Q. I see by your report that you made something of a dissenting report to a part of the commissioners' regular report? A. Yes, sir.

Q. And you stated in that report: "The undersigned concurs in all the foregoing report, except that which refers to the appropriation of $300,000 from the state funds for the benefit of the commission, believing, as I do, that if the law is fully carried out in all cases where bonds are filed by the steamship lines for immigrant passengers who come upon our shores, and who are unable to earn a living, and with the increase of commutation tax from $1.50 to $2.00, if granted by the legislature, will be ample to supply fully the wants of the commission." In this report the commissioners, among other things, recommend to the legislature: "The board, after having used the strictest economy in the expenditures, and after reducing their staff of employees to a number consistent with a proper performance of the duties requisite in the protection, landing and care of the emigrants, still find that the commutation fee of $1.50 per capita is insufficient to meet the current expenditures directed by the legislature to be made by the commission for the support of such emigrants as become destitute or disable within the period of five years after their arrival in this state, and it is recommended that the commutation fee be increased to $2.00." I see that is also signed by you? A. Yes, sir.

Q. You were chairman of the Ward's Island committee during the time you were commissioner? A. Not all the time; up to February, 1875..

Q. Who was then made chairman? A. Mr. Quintard.

Q. And as chairman of that committee, during the times that you were such, it was part of your duty to supervise the bills for supplies furnished to Ward's Island, was it not? A. That was the duty of the finance committee; I was a member of the finance committee at one time; not the first year, but the second year.

By Mr. VOSBURGH:

Q. Were not all the vouchers for all the supplies of Ward's Island first submitted to the Ward's Island committee, and then turned over to the finance committee? A. No, sir.

By Mr. WAEHNER:

Q. The system was this, that the superintendent of Ward's Island made the requisitions, and the purchases were made by the secretary, and he returned them to the finance committee; was that the system? A. Yes, sir.

Q. Then was it not your duty as a member of that committee, to interest yourself in regard to the supplies that were furnished on Ward's Island? A. Not the daily supplies; if any repairs or any thing of that kind was done, which were done under my supervision, then it was my duty to examine and to see that the work was done and that the charge was reasonable, and to countersign the bills together with the superintendent.

By Mr. ALVORD:

Q. Mr. Waehner's question is in regard to the ordinary daily supplies? A. No, sir.

By Mr. WAEHNER:

Q. I mean the provisions furnished to the island? A. No, sir; the first year I don't remember seeing any of the bills at all; they came before the finance committee, and I was not a member of it; the second year I was a member of the finance committee, and then they came before me.

Q. Omitting the inquiry as to that matter, have you any suggestion to make now, or did you at that time make any complaint, or have cause to complain of the purchasing system, or of the prices charged for the supplies of provisions to Ward's Island? A. But in very few cases, as a general thing; some goods I would order sent back which I didn't think were worth the money; I sent back sugar; I have sent back butter and other things which were purchased; I don't remember the particular articles, but it was not very often; I think it was an error of judgment on the part of the purchasing agent, and not with any intent to do any injury to the commission.

Q. Who was the purchasing agent at that time? A. Mr. Bergen.

Q. Do you think that the prices paid by him were fair and reasonable prices for the supplies furnished on the island? A. As a general thing I think they were.

Q. Was there any time any instance of any large discrepancy as between the actual value of the goods and the prices paid, that came to your notice? A. Well, I found in taking the samples of sugar, which I did, and samples of some muslins that were bought, and going to stores that I was personally acquainted with, and having examined as to the market value of them at the time they were purchased, I

found at one time I could buy sugar at retail by the barrel as cheap as it was bought wholesale, and that I found only in one instance; I complained to the treasurer at the time; I think we made the parties knock off a half a cent a pound on the next bill; I also found the commission was paying within two cents a pound for butter of what I was buying it at retail; I also complained of that; I watched generally the prices on the books of Ward's Island; I would examine the prices, and examine the goods as well, and if I thought the goods were not such as were profitable to the commission, I would either write a note to the treasurer or I would order the goods sent back by telegram.

Q. Were those prices large that you allude to? A. Oh, no sir; it only happened in one or two cases, and, as I said before, I don't think it was intentional on the part of the purchasing agent at all; in case of the sugar, I think he told me he was hurried that day, and he didn't examine the sugar, and he bought the sugar and they sent it up; and, it seems to me, they made an explanation of it to them, that it was an error on the part of the entry clerk or salesman who sent the goods.

Q. Do you regard it as a safe and economical system? A. The manner in which purchases were made; I think purchases were generally made with a view to every sort of economy that could be made for the interest of the commission.

Mr. ALVORD — Mr. Waehner's question has reference to the method rather than to the fact.

Mr. WAEHNER — I am speaking now of the method of purchasing for institutions of this kind in open market in this way.

The WITNESS — I am decidedly of the opinion, from the experience that I had in the commission, and personal examinations that I made personally of goods purchased, that, as a general rule, goods purchased in the open market were more advantageous to the commission than it would be by contract.

Q. Do you know in what manner coal was purchased during that time?

The CHAIRMAN — Whether, in your judgment, the system adopted by the commission, in purchasing in open market, would be preferable to the contract system.

The WITNESS — I should be entirely governed by who the purchasing agent was; if he was a thoroughly honest man I would prefer that he should purchase in open market, as I believe the purchasing agents, during my time, were perfectly honest.

By Mr. WAEHNER:

Q. Then it depends on the honesty of the purchasing agent? A. Yes, sir.

Q. And on that the purchases of supplies depend? A. Yes, sir.

By Mr. ALVORD:

Q. Would the same rule hold good, as far as the contract system is concerned? A. It certainly would; but in the matter of flour, for instance, I don't think you can make a contract for flour as you can for beef; I don't think it is possible to get a contract for it; I don't know that it was ever tried; I know that was one of the matters of large purchases; the treasurer consulted me very frequently about the flour, and would send me notice, saying, from all the information he could get, the market was now lower than it would be, and flour would probably advance; on one occasion I went with the treasurer to the flour merchant on Broad street, whom I never knew until I came here, and we made a bargain for 100 barrels of flour, and, I think, we cut him down 15 cents from what he asked; I know we bought the flour away below the market price, because we agreed to pay cash the moment the flour was delivered; and I think we bought 100 barrels; I recollect it, because, after all that year, the market fell below what we bought it at, and we used the flour up, and we did lose a trifle on that, but I know it was done with the best intention.

By Mr. WAEHNER:

Q. Now, coming back to the coal question, what was the system of purchasing coal at the time you were a member of the finance committee? A. The first year the coal was purchased I thought it was the most careless——

Q. What year do you mean? A. I mean the first year of my term, in 1873; I found it had been the practice of the commission to purchase coal and take the captains' of the barges weight without testing it, and pay for the coal on their weight; the first year I didn't like it; I wanted to have a pair of scales put up on the island, and to weigh every bit of coal that came on the island; I didn't succeed in that, but I did the next year; I brought the matter up in the committee, and the board adopted it, and I think the scales cost us $200; we weighed every ounce of coal that was received that year, and, if I am correctly informed, the second cargo of coal bought and paid for paid for the scales; I mean the coal fell short enough of weight to pay for the expense of the scales, $200.

By Mr. ALVORD:

Q. The second cargo fell short of the weight which they claimed to have? A. Yes, sir; fell short of the weight.

Q. Which they claimed to have? A. Yes, sir; the coal merchants had a man of their own picking to supervise the weighing in connection with one of the employees of the island; both took the same weights at that time.

By Mr. WAEHNER:

Q. Now, as to the time when coal was purchased by the commissioners? A. Well, sir, if you will refer to the minutes, I think in 1873 the coal was purchased early in the summer; if you will refer to the minutes of June, 1874, which was last year, of coal purchased, you will find that I introduced a resolution instructing the —

By Mr. VOSBURGH:

Q. The Ward's Island committee? A. Yes, sir; I think it was in June, 1874, I introduced a resolution to purchase the supply of coal for the year for Ward's Island; I found coal was at a low figure; I always purchase my coal in June or July, and this matter I thought devolved upon me to look after; a committee was appointed to purchase that coal in June, and I don't think the coal was purchased until October; I know it was along in January or February before we got the coal discharged that was bought, and we had to buy an extra team of horses for it; we had some seven barges on the dock, and I was afraid the ice would sink them and we would have to pay for them, and we had to buy extra horses.

Q. What was the difference in the price before the time you introduced the resolution and the time it was purchased? A. The bid that was offered was something about $5.55; I think the difference between what we could have purchased the coal for, if it had been bought at that time, and when we did buy it, was about $1,200; I offered the resolution.

Q. And you were on this committee that purchased the coal? A. No, sir.

Q. Who was on that committee? A. I think Mr. Forrest always purchased the coal; I think I introduced the resolution for Mr. Forrest to buy it; he bought it the year before; the meeting was held on Ward's Island, and I think it was in June, 1874.

By Mr. VOSBURGH:

Q. The resolution is here June 23, 1874? A. I know I brought the subject up, and it was finally adopted.

By Mr. WAEHNER:

Q. What was the cause of that delay? A. I don't know.

By Mr. VOSBURGH:

Q. Did you say the coal was not purchased until fall? A. No, sir; it was not.

By Mr. GEDNEY:

Q. Had they funds in June to pay for this coal? A. Yes, sir; they were better able to pay for it then?

By Mr. WAEHNER:

Q. Was there any meeting held subsequent to the time of that meeting about that matter? A. There were several meetings held; I think this was a meeting of the commissioners at Ward's Island; it was a meeting of the board.

Q. Was the matter ever brought up again in the board, between that time and the 1st of October? A. I don't know that it was officially; I know it was in the hands of the committee; John H. Lyon sent in a bid for $6.50 for that coal.

Q. What was the system that you had for inviting bids? A. I believe the treasurer wrote to the different companies; there were no advertised bids.

Q. Stating the quantity of coal that would be required? A. I don't know what letter he wrote; all I know is, he reported he had written, and he had got several propositions.

Q. That was in 1874? A. Yes, sir.

Q. Do you know what action the commissioners took, in 1873, relative to that matter? A. I think it was in the early summer, a motion was made that the coal be purchased for the winter's supply for Ward's Island, and that Mr. Forrest be appointed a committee to purchase it; I think Mr. Forrest was a committee of one to purchase that coal.

Q. What was the price of coal at the time that resolution was introduced? A. I don't recollect.

Q. Do you know whether there was any large increase in the price of coal from the time this resolution was adopted until after it was delivered? A. I do not.

Q. Have you any recollection of it afterward? A. I have not the slightest; I don't recollect it at all.

By Mr. ALVORD:

Q. I understood you to say awhile ago that it was purchased early in 1873? A. I think it was in 1873; the coal was all delivered before the frost set in, in the winter of 1873.

By Mr. WAEHNER:

Q. It was purchased early in the year? A. Yes, sir.

Q. Now, sir, generally for the information of all the committee, can you state what reforms you would regard as necessary, or what changes you would regard as necessary in the administration of the affairs of this commission to make it self-sustaining and to carry it on, or any reforms at all? A. Well, sir; I would suggest that the committee follow up the law under which they act, and if they do that the commission could be made self-sustaining; the proof that I give you for coming to that conclusion is this: the records of the commission for the past 27 years, and the amount of property they have acquired, and the number of people they have cared for, those being all paid for, the lands and buildings all paid for, it does not seem to me to require any thing like the amount of money in the future to care for incoming emigrants; and then again, under the present law, which is very favorable to the commission, the commission is not obliged now, as they were during my term, to take care of able-bodied emigrants after their arrival here for a period of two years.

By the CHAIRMAN:

Q. That is the incoming emigrants? A. Yes, sir; all emigrants who have been in the country two years, were not charged upon the commission.

Q. Didn't the counsel of the commission advise you that the law could not have any retroactive effect? A. No, sir; I think his opinion is here in writing.

Q. That where the emigrant, substantially, or the master of a vessel entered into an obligation upon the payment of this $1.50, did the counsel advise you that the legislature could pass a law declaring that contract void or of no further effect? A. I understood his motion to be the other way.

Q. That the legislature could invalidate that contract? A. I would further state that in olden times of the commission, I see by the reports, if they are correct, which I presume they are, they state that the law was carried out in relation to bonded emigrants; I have, from my first connection with the commission, insisted upon that law being enforced; I find upon an examination of the books of Ward's Island that the commission have cared for over 7,200 emigrants during the time you are investigating, and that they have spent on the island over — I think I have got the figures with me — I know I have got the name of every emigrant; I can furnish you with the name of every emigrant; I took it from the file; 7,211 up to January, 1875; they spent on the island 216,918 days and the cost, computing the *pro rata* cost, would amount to $125,000 and odd dollars.

Q. For the support of those bonded emigrants? A. Yes, sir.

By Mr. VOSBURGH:

Q. By which the steamship companies were liable for their support? A. Yes, sir; they received the benefit of it.

Q. But instead of the commissioners collecting of the steamship companies, they have supported them themselves? A. The commission by a vote of seven to one voted against enforcing the law.

By the CHAIRMAN:

Q. What reasons were assigned by the commission for not prosecuting those bonds? A. That we could not collect it; that it would be a fifteen years' litigation.

Q. Was that all. A. That was all.

Q. Was there any question made in the commission as to the validity of the bonds, whether a recovery upon the bonds could be had in a court? A. I don't remember that there was; there was as to the *pro rata* tax; it was generally agreed that the *pro rata* tax was an unconstitutional tax, but the bonds were perfectly good.

By Mr. ALVORD:

Q. What do you mean by the *pro rata* tax? A. The $1.50 commutation.

By Mr. WAEHNER:

Q. I understood you to say it was agreed that it was legal to exact the bond, but that the commissioners could not commute for that bond? A. They could not commute for the bond in addition to the commutation tax; the law expressly states in addition to the commutation tax the names of special cases.

Q. Those are cases of pauperism and decrepitude? A. Yes, sir; and women with children, without husbands, unable to care for them.

Q. Did you get the opinion of counsel for the commission upon the subject? A. I have had it through the president of the board, and not through the counsel; the president of the board told me the counsel told him it was good.

Q. Who was president of the board at that time? A. Mr. Scott.

Q. Was any case taken up and made a test case? A. No, sir.

By Mr. GEDNEY:

Q. As chairman of the Ward's Island committee, if a man presents himself for admission there during the fall or winter, claiming he had arrived here during five years, could you refuse him admittance? A. I think we could.

Q. On what ground? A. On the ground that he was able to earn his own living.

Q. Under the present law? A. I think it was within the province of the committee to discharge every person who was offered employment for their board, and without additional compensation.

Q. Why did the commission ask the legislature to change that law to take effect January 1, 1875? A. I am not aware that the commission did ask the legislature to do it.

By Mr. WAEHNER:

Q. Go through with your statement as to the reforms and changes that you deem necessary in the management of this commission? A. My judgment is that in the fall of the year, when application is made to this department for relief, or for sustenance, that a close examination should be made as to the character of the persons, whether their statement is true in regard to their destitution, and an investigation should be made as to where their last place of employment was, and the cause of their destitution; and, again, I should see that the commission should be in no wise chargeable, as they do not guarantee the good conduct of emigrants who arrive, that they should be in no wise chargeable for criminals and in county prisons, as this commission has been, and I believe does now pay; I do not see why an emigrant who lives in New York and commits a crime here should be any more chargeable upon this commission than an emigrant who lands in Baltimore or Boston, or any other port, and who has committed a crime against the city or county, whatever it may be, and is sent to a penitentiary; I don't understand why this commission should be charged with the care and support of such people; and, again, I don't think the county bills are properly audited; during the whole term of my office in the commission there never was a county bill presented before me as a member of the finance committee; I have asked that the claims that were presented here, and which are embodied in this report, and some of which are in no wise chargeable to this commission — I think those bills should have been audited at the close of the year, but the chairman of the finance committee didn't see fit to do it; I think the finances of the committee were managed in the most gross and careless way possible; the finance committee would be called to meet about an hour before the meeting of the board, and three or four gentlemen would sit down and call off the bills without reference to whether they were too much or too little; whether the footings were correct; nothing of that kind was proved; every thing was left to the clerk; that was the way they were disposed of during the time I was a member of the committee; they generally ran through $30,000 or $40,000 in half an hour, without scrutinizing any thing at all; they could not tell what the items were on the bill, only take the footing; my judgment now is that the commission is too large, and always has

been too large; I don't think the committee ought to exceed three; I think a commission of three is ample to do all the work that is required in this department, and I think one would be better still; I think one would be much better.

By the CHAIRMAN:

Q. What was the object of keeping the president of the German society a member of this board? A. I don't know.

Q. Or the president of the Irish society? A. I don't know what the object is.

Q. You know of no reason why they should continue to be members of the board? A. No, sir; on the contrary I know of reasons why they should not; they don't represent me; this commission represents the state, and they represent a society in which I have no voice in representing the officers who represent the state at the board of commissioners; again, I don't know that they are in any way responsible; if, upon this investigation, any dereliction of duty should appear, when I, as commissioner, might be removed, I don't think it is in the power of the governor to remove any one of them.

Q. From your observation of the working and the action of the commissioners are you of the opinion that the action of the presidents of those two societies would be antagonistic to the interest of the commission; would they not be looking after particular persons rather than the interest of the state? A. Yes, sir; my experience is that the presidents of the two societies very humanely, and I must say very creditably to themselves, represent the interests of their separate nationalities and without regard to the interest of the state; I felt another duty imposed upon me; I felt, on examining the law, that my first duty was to the state; my next duty was to protect the emigrant, and I acted upon that presumption during the whole term of office that I occupied a seat at this board.

Q. Have you any other suggestion to make as to the management? A. I don't know that I have, except that I think all business done as a public board, should be done with the concurrence of the majority of the board, and also that one member of the board should not have power to overrule the action of another, or, particularly, the chairman of the committee; I think that when the chairman of the committee of Ward's Island should discharge a person for bad conduct, as I did in the case of a man that told me he didn't care a damn for the commissioners or any other person; I discharged him and in two weeks he was sent back.

By Mr. VOSBURGH:

Q. Were those actions of the board taken by vote? A. Not in

those cases; no, sir, a person would be discharged to-day, and sent back to-morrow by order of another commissioner.

By Mr. WAEHNER:

Q. One commissioner assumed to exercise as much power, individually, as another? A. Yes, sir.

Q. And if you discharged a person without the action or concurrence of the commission, another member assumed the right to put him back? A. Yes, sir; no matter what the cause of the discharge was.

By the CHAIRMAN:

Q. Explain what there is about the board paying the expenses of criminals in counties, if there are any such cases? A. The records of the department show they have been paid; if I am correctly informed, this board paid the expenses of the execution of Jack Reynolds.

Q. Do you understand that if a person, confined in a jail or penitentiary, in any of the counties of this state, claims that he is destitute, that this board paid his expenses while in jail? A. Yes, sir.

By Mr. VOSBURGH:

Q. There are cases on record of that? A. The record of the departments show that fact.

By the CHAIRMAN:

Q. I had supposed the expenditures were confined to the inmates of poor-houses or charitable institutions? A. No, sir; if you will give me the report of this year, I will show you to the contrary.

[The witness here refers to the report of the board, ending December 31, 1874.]

Q. Before you look at that, as I understand it, the only proof which the commissioners act upon would be an affidavit of the emigrant, as to the time that he arrived here, stating the vessel that he came over in, and some kind of a certificate or affidavit of the superintendent of the poor-house, the commission paid the sum demanded? A. Yes, sir

Q. Without inquiry as to whether the man was destitute or a fit object of charity by this institution? A. That is the way I always understood it; I never have had an opportunity of seeing a county bill during the two years I was here; it was never brought before me while I was a member of the finance committee, and I generally attended all the meetings; during my term of office I made over 200 visits to Ward's Island — over two a week.

By Mr. WAEHNER:

Q. Were those bills properly referred to the finance committee? A. Yes, sir.

Q. You don't recollect they had any thing referred to them? A. I don't recollect that there was; I see an item in this report which is charged as part of the indebtedness of the board, and I asked particularly to have this matter brought before the board, and that was a hospital in the city of New York, which sends in a bill here for $3,452.59; I asked to have that bill audited and rejected on the ground that the commissioners of emigration here in the county of New York have all the applications to take care of emigrants that the commissioners on Ward's Island have, and I know of no member of the board that was aware of any person being sent to this hospital by direction of any of this board, but it is put in here as part of the expenses of this commission, and sent to Albany as such; that was done in Brooklyn and in Rochester, and all over the state; we were paying large sums for ambulances for those people that were supported here, and steamboat hire, $25 a trip, and if an emigrant applied here we had all the conveniences for him.

Q. If he applied here, you could then determine whether he was a fit subject for charity or not? A. Yes, sir.

Q. But taking them to those outside institutions the commissioners had no knowledge as to whether they were fit subjects? A. I could not find a commissioner who knew any thing about it, and yet the finance committee refused to take up this bill when I asked to have it brought up.

Q. You said you could furnish some bills that were sent in for criminals; I don't see how that could come in very well, because all criminals in the jails of a county are supported at the expense of the county? A. Not in New York county; we pay the board of the prisoners at the Tombs, and at the penitentiary at Blackwell's Island.

Q. Do you know of any such instance where the bills of vagrants from the country are presented to the committee for payment? A. I cannot name any particular instance, but I know this thing, that the matter was discussed in the board, and the opinion of the counsel for the board asked on the subject; I know that the general feeling of the board was against it, that we had not ought to do it, but still they did do it; of my own personal knowledge I don't know any thing; I never had a chance to examine a county bill.

By Mr. GEDNEY:

Q. Section 4 of an act passed in 1873 reads thus: "The commissioners of emigration shall not be required to support any person capable of earning a livelihood for a longer period than two years;"

how did the commission interpret that law? A. I interpret it that any vagrants who have been here two years after the passage of that act, without regard to when they arrived previously, do not come under the charge of the commission.

Q. How could you refuse, as chairman of the Ward's Island committee, to accept a man under that section, even if he is an able-bodied man? A. On the ground that he is not a destitute emigrant.

Q. "The commissioners of emigration shall not be required to support any person capable of earning a livelihood, for a longer period than two years;" how was it previous to this year? A. Five years.

Q. Able-bodied? A. Yes, sir; I have seen over 700 able-bodied men sit down in the dining hall, and every one of them was capable of earning a livelihood.

Q. How could you refuse them, even if they were able-bodied? A. I don't understand that the law compels the commissioners of emigration to take care of every passenger that lands at the port of New York, whether they are able to earn a living or not; it seems to me it is discretionary on the part of the commissioners; if a man is worth $15,000, and is mean enough not to pay any thing for it, he would have a right to come here and claim support if he paid a commutation of $1.50.

Q. It reads, "The commissioners of emigration shall not be required to support any person capable of earning a livelihood, for a longer period than two years;" upon what grounds, under that law, could you refuse any who applied for support? A. I would refuse it on the grounds that he was an able-bodied man.

Q. And you say they have been supported when they were able-bodied men? A. Yes, sir.

Q. Why were they not dismissed? A. As I stated before, the commission was so demoralized you could not do any thing; if I dismissed them, they were sent back; the superintendent did the same thing; finally the power was taken out of the hands of the superintendent, as you will see by the minutes, that he should not discharge any person without telegraphing to Castle Garden.

Q. I want to know where the power is to refuse them admittance under that law; I want you to explain what power there is in the commission to refuse to receive such a man, even if he is lined with money, under this section? A. The only interpretation I could give to that is, that if 200,000 or 300,000 emigrants should arrive at Castle Garden, the commissioners would be bound to furnish accommodations for every one of them for two years.

Q. With that section what discretion has a commissioner? A. The discretion, in my judgment, was this, that a person, though he might be able-bodied, and for the time being might be destitute and

unable to seek employment, has no visible means to furnish himself with support, that under this law the commissioners are bound to take care of him until such time as they could put him in better condition to take care of himself, or, in other words, find him employment, and that after that he is no longer in the charge of the commission; and I base my opinion on this, that the word "able-bodied" is mentioned in the act which you quote; that if that had not been the intention of the law, the word "able-bodied" would not have been put in, but the entire emigration covering all classes.

By Mr. WAEHNER:

Q. You stated that, in your opinion, it was improper to charge the commissioners of emigration with the support of persons sent to penitentiaries and regarded as criminals; do you know there is a law providing for that? A. I do not.

Q. There is a law providing for it, chapter 426 of the Law of 1855; did you ever hear of that law being repealed? A. I did not; I never heard of the law; I know it was the general opinion of the board that it was wrong.

Q. [Handing book to witness.] Just read that law. A. [After reading the law.] Yes, I see that law says so; at the same time I was not aware that there was any such law.

Q. There were one or two questions that I omitted to ask you; do you know anything concerning the building of that lunatic asylum on Ward's Island? A. Yes, sir; I know part of it.

Q. Give us such information as you have in relation to it? A. Well, after I was appointed chairman of the Ward's Island committee, I felt the duty devolving upon me, as chairman of that committee, to examine the manner in which the work was performed, and also to acquaint myself with the contracts; I had the contracts furnished me by the secretary of the board; I read the contracts, and I found the work that had been done before I got there, as I thought, was done very poorly, and not, in my judgment, in accordance with the contracts; although I am not a mechanic, I found a good deal of the mason work that I thought was not done as the contracts called for, and also the carpenter's work; in fact, in closing up the matter — the thing was pretty well through when I got there — I proposed to take the bills for carpenter's work on the doctor's house, for it was plain there was no paint on the wood; it was all oil; it was plain to be seen that all the carpenter work was in direct violation of the contracts, yet the contracts were drawn in such a way that the architect was umpire, and his decision was final, and yet I would not sign his bill, and he could not get his money unless he sued for it, unless he promised, in

addition to the contract, to give the entire woodwork two coats of paint throughout, which he did; I think the whole work of the lunatic asylum was very poorly done, and very excessively paid for.

Q. You were not a member of the commission when the contract was entered into? A. No, sir.

Q. Or any of the present members? A. Yes, sir: Mr. Shack and Mr. Lynch were, and I don't know whether Mr. Forrest was or not.

By Mr. VOSBURGH:

Q. That building cost in the neighborhood of $170,000? A. Yes, sir, and I think half that amount will put it up to-day.

By Mr. ALVORD:

Q. You say half that amount will put it up to-day? A. Yes, sir.

Q. At the time it was put up were not materials and labor largely beyond present prices? A. They were, but even at that I think the cost of the building is excessive.

Q. You ought to state, in undertaking to state in reference to the extravagance in the building, what it could have been put up for at the time it was put up, taking into consideration the cost of materials and labor, not to-day, because to-day is not a criterion to go by? A. I think at the time it was put up, as far as I have been able to judge from those who have been mechanics, some of them employed on the island then, that at the time that building was put up there it could be duplicated for 60 cents on the dollar.

By Mr. VOSBURGH:

Q. Was the building paid for in accordance with the contracts, or were there extras paid for? A. There were some extras paid for, contracts which this board entered into in relation to setting the bars of the windows, and also the flagging of the basement.

Q. Is not the building much larger than what there is any necessity for? A. Well, I am hardly able to judge as to that; my judgment is that it is, but medical men say not.

Q. In building the new chapel on the island, were you a commissioner at the time that was being constructed? A. No, sir, the chapel was completed when I got there.

By Mr. ALVORD:

Q. You said there was a contention, somewhat religious in its character, in reference to that chapel? A. Yes, sir.

Q. To what religious denomination does that chapel belong? A. Do you ask my individual opinion?

Q. No, your knowledge? A. My knowledge is that it belongs to the state of New York.

Q. I am talking about what religious denomination it belongs to? A. It does not belong to any.

Q. What services is it used for? A. Exclusively for the Catholic.

Q. Its whole inside arrangements are for the purpose of carrying out the formula of the Catholic religion? A. Yes, sir.

Q. What did that institution cost? A. I think some $35,000, if my recollection serves me right from reading over the reports.

By Mr. VOSBURGH:

Q. In your opinion is that not a pretty extravagant church to be erected by a commission that was in debt? A. I believe the commission at that time had more money than they knew what to do with; I don't think the building was an extravagant cost for this reason; I will give you an illustration of it; the carpenters who built the building called upon me several times and asked me to put a claim through the board of some $4,000 for the carpenter's work, that they had lost that amount of money, and I was waited upon by several gentlemen whom I personally knew that they were friends to those carpenters, who said those men had lost a great deal of money, and they thought they ought to be compensated, and the reason of their loss was this, that they took the contract at a time when every thing was very low, and after they took the contract the carpenters struck for eight hours a day, and materials went up, and from what I can learn of the erection of the chapel I don't think any thing more was expended on it than could be avoided.

By Mr. ALVORD:

Q. For any other denomination what are the accommodations on the island? A. The accommodations for the Protestant service is in one of the buildings that used to be used as a nursery or hospital; I think it was used for sick patients when I went there, and up stairs on the second story, part of it was occupied for the Protestant service, and part for a reading room or library.

Q. What is the value of that portion which is occupied for Protestant services? A. I really could not tell.

Q. Give your idea? A. It is a plain building, two stories high, and no partitions in it; a very simple, plain building, with four walls and a roof, and two tiers of building.

Q. How much of it is used for religious services? A. About two-thirds of the second story is used for the Protestant services.

Q. What is the value of that portion, including its furniture and all its decorations? A. I don't think I am competent to answer that question.

Q. Give us your idea on that subject? A. The value of it, counting the cost of erection, and all that sort of thing?

Q. Yes, the value of it based upon its rental value, portion of it — the value of that portion which is thus used and occupied? A. I should probably think it was worth $2,000 or $3,000, perhaps; the same room could be built probably for that.

Q. Is that for use indiscriminately for all denominations calling themselves Protestant? A. Yes, sir; it has been used by Jews; in fact, there are only two denominations there, as a general thing — the Lutheran and the Catholic.

Q. The Protestant denomination is almost absorbed in the Lutheran? A. Yes, sir.

Q. What is the comparative number of Protestants on the one side and Catholics on the other, who receive the benefits and advantages of that institution generally? A. I should be unable to answer that; I think, largely, the Catholics; there was a census taken at one time there, and, if I understand, the Protestant minister on the island — directly the emigration portion of it — bear in mind that a large portion of people visit that church who are not emigrants—they come from the other side; but in relation to the emigrants alone, I found they were very nearly equal at the time the census was taken.

Q. What is your idea of the percentage of emigration as divided between the denominations, calling the general Protestants one denomination and the Catholics the other? A. My impression is that for the last year 75 per cent, perhaps, of the entire emigrants are of the Catholic religion; I should think so.

Q. The employees of the wards of the hospital — the nurses and matrons — of what class of religion are they, generally? A. Mostly all of one — mostly Catholics.

Q. Is it with the consent and approbation of the commissioners of emigration, or from what reason does it arise that almost all the entire of the entrances to the rooms which are occupied by those matrons are decorated with the peculiar and significant symbols of a particular religion? A. I do not know why it is done; I never asked the question; I never asked a nurse, or an orderly, or an employee, in my life what his religion was.

Q. I ask you if you do not know the fact whether a particular religion in its symbolical outside show is not clearly apparent in every single ward of this hospital? A. Oh, yes, that has always been so.

Q. Do you know whether it is with the consent and approbation of the commissioners of emigration? A. I don't know that I ever heard any one object to it; I never object to any man's religious opinion; it would not annoy me if they were all over.

Q. I have not any objection either, but I understood you to say at least 25 per cent of the inmates were Protestants? A. Yes, sir.

Q. And still the symbolical representation of religion in every ward in that hospital is of a peculiar and particular religious denomination? A. Yes, sir.

By the CHAIRMAN:

Q. You know that the religious question, when you came into the board, provoked a controversy? A. Yes, sir.

Q. In what manner was that controversy provoked; state how any controversy in regard to the religious services at the island arose? A. The first conversation I ever had officially with the commissioners was after I arrived on the 19th of May, at Ward's Island; in the afternoon in walking over the grounds, in passing the chapel, commissioners Mr. Forrest and Mr. Kaufmann called my attention to it, and stated the trouble that had been in the other board, and that they now looked to me, as chairman of the committee, to have this matter definitely and finally settled; that this church was built out of the common fund — the commutation money — and that it should be used for the purposes for which it was built, a church for church worship for emigrants of Ward's Island, without regard to religious denominations, that all parties should have free access and use of it, and also Mr. Lynch spoke to me the same day in relation to it, separate and apart from this conversation, and stated that this church had been built for the use of the Roman Catholics; that the place formerly occupied by them in the old nursery building was considered unsafe, and for that reason this church had been built, and he individually was in favor of building another church of a similar kind for the Protestant denomination when the commission was in funds to do it; I immediately — not having any knowledge of what was going on in the board in relation to this controversy — said: "I shall never vote to build another church; one church ought to be sufficient," and the matter dropped; the question of building a second church was never brought up; then I think a question arose up about a child of a woman, named Catherine Haas, if I am not mistaken; she complained to the superintendent of the island, that her child had been taken away from the island, and that she could not get her child; that it had been sent to some asylum or hospital, I don't know which, some Catholic hospital; this woman was a Protestant; she made a complaint to the superintendent of the island, and the superintendent laid the matter before me; I investigated the affair, and found that this woman had left her child in the care of the matron, that she had obtained employment in the city of New York, and that she came to see her child, and her child had been taken away, and they told her where the child was, and she went to the place where the child was taken and claimed the child, and they refused to give it up; they said

the child had been adopted by the Catholic hospital; as a matter of course I investigated it, and waited upon the Catholic minister, and asked him to restore this woman her child, that it was her child, and she was able to take care of the child, and she should have it; the matter was brought before the committee, in the shape of a charge against the matron for spiriting her child away; it seems the minister had the child brought back to the island, and one day she came up to take her child away, and they found she came for that purpose, and while she was on the island they spirited that child over the river without her knowledge, and she looked the island all over for her child and could not get it, and the result of that investigation was that the child was restored back to the woman, and the act of the minister was censured, and the parties participating in the aduction of the child were dismissed from the island.

Q. You stated the conversations you had with individual commissioners; what objection was there by any of the commissioners to the use of this chapel by denominations other than the Catholic? A. I heard no objections, but on the contrary the voice of the entire commission, as I supposed from conversation had with them, with the exception of Mr. Lynch alone, was unanimous in favor of its being a free and open chapel for all denominations.

Q. Did Mr. Lynch at any time object to the use of that chapel by other denominations? A. Yes, sir.

Q. Other than as you have mentioned? A. By any other denomination than the Roman Catholics.

Q. Well, you have stated one conversation with Mr. Lynch; did Mr. Lynch object in any other manner than what you have stated? A. No, sir.

Q. That he preferred to build a new church when the commission were in funds? A. Not in that conversation.

Q. Subsequently? A. Oh, yes, sir.

Q. Was he the only member of the board that did object to its use? A. The only member that did object that I knew of.

Q. Now, in the conversation that you have mentioned that you had with Mr. Lynch, did he specify no reason why he objected? A. He stated the church was built for the exclusive use of the Roman Catholics.

Q. Was that all the reason he gave? A. Yes, sir; and another reason was that the Catholic religion was a peculiar religion to any other, that Protestants could not worship in the same chapel or room with Catholics, and I cited several instances in all our public institutions — in fact I knew of none, and the evidence taken on that occasion shows there was no particular institution where that existed except on Ward's Island.

Q. And *vice versa*, that the Catholics could not worship in a Protestant institution? A. No, sir.

Q. Was not that objection made? A. No, sir; never.

Q. You know that is a fact, don't you? A. No, sir; I know to the contrary?

Q. You know to the contrary? A. I do know to the contrary.

Q. That a Catholic can go into a Protestant church and worship? A. No; I understood you to say that a Protestant could go into a Catholic church and worship.

Q. Didn't Mr. Lynch make the objection that Catholics could not go into a Protestant church and worship? A. Yes, sir.

Q. On account of the rites of their religion? A. Yes, sir.

Q. No definite action was taken by the board upon the question? A. There was a resolution, which the report shows, that they declared it to be a church erected for emigrants, and for public worship, and that if the exigency arose that there was not sufficient accommodation in the chapel now occupied by the Protestants, that the superintendent should make proper accommodations for them elsewhere, but it didn't say in this building.

Q. You have no knowledge of the Protestants being refused to worship in that chapel? A. Yes, sir.

Q. When? A. When the Protestant minister asked for it.

Q. When was that? A. That was when I first came in the commission he came and asked the privilege to hold his worship there.

Q. I understand you to say that there was a resolution passed? A. This was long after this.

Q. Who refused the Protestant minister the right to worship there? A. The Catholic priest.

Q. And he made the complaint to the board? A. Yes, sir; the complaint was made to the board; I forget in what manner, but I know it was on the motion of Mr. Maujer that the religious question of Ward's Island be referred to the Ward's Island committee to report.

Q. You have stated that the board subsequently adopted a resolution declaring the chapel to be open to all religious denominations? A. I don't consider that resolution to read in that way, but that is what was intended.

Q. Since the passage of that resolution, have you heard of any objection to other denominations worshipping in that chapel? A. I never heard of anybody asking to do it.

Q. Now, you have explained about the cost of supplies at Ward's Island, in your judgment the commission has exercised ordinary economy in the purchase of supplies for the island? A. I think so.

Q. Do you mean to be understood that your objection to the

expenses of the commission is as to the matter of salaries? A. No, sir; I mean to say that my objection is to the matter of sustaining large numbers of people whom the commission have no right to sustain, and who are capable and able to sustain themselves, and also the salaries.

Q. First you stated the persons employed and the salaries? A. Yes, sir.

Q. And, the second, supporting persons you think ought not to be supported? A. Yes, sir; and in not charging and collecting from the steamship owners the cost of caring for paupers and children, and women without husbands, who have remained there for the whole term of five years.

Q. The matter of employees and salaries, the support of improper persons at the asylum, and the neglect of the commissioners to prosecute bonds? A. Yes, sir.

By Mr. VOSBURGH:

Q. During your administration as commissioner, do you know of the commissioners paying to any private institution, for the support of any emigrants, other than Ward's Island? A. I do not know of my own knowledge, except as the report states—except as printed in the report.

Q. I don't mean county poor-houses? A. I never heard of it; it might have been done and I not know it.

The CHAIRMAN—I was going to suggest that Mr. Develin appear here in behalf of the commissioners, and, when the committee get through with their examination, Mr. Develin will exercise his right to ask such questions as he sees fit.

By Mr. GEDNEY:

Q. In relation to these chapels, had the Catholic population a sufficient chapel for their worship? I should think so; more than sufficient.

Q. More than they require? A. Yes, sir.

Q. How about the Protestants, and the accommodations they require? A. Ample, and three times what they require.

Q. As a commissioner, would it be advisable if both were abolished; would you advise that? A. I voted to abolish all chapels while I was a member of the board, because we had the gratuitous offer of the missionary society of New York to visit the institutions.

Q. I don't speak of salaries, but of the buildings as places of worship? A. Yes, sir; I think that all the services can be held in the wards.

Q. Would it be advisable to assemble them all in any ward? A. I could see no objection to it; of course the sick cannot get out of bed; those that are in bed and those that are well, there would be ample room in any ward in Verplanck hospital to-day to accommodate them.

Q. Is there any more accommodation for religious worship there than common sense would dictate there should be? A. I think there is; I don't think there was ever any need of a chapel being built there; I think there was plenty of accommodation before it.

Q. Then you deemed some accommodation was requisite? A. Yes, sir; the nursery building was ample to accommodate all that was required while I was there.

Q. And as the Catholic portion would decline to worship in what might be called the Protestant chapel, in your opinion would it be best to have two distinct buildings? A. No, sir.

Q. With them all to go in one? A. I would subserve all the rites of the Catholic church by inclosing their paraphernalia, as is done in all other institutions during the Protestant services.

Q. Why inclose them out of sight? A. As a matter of courtesy, if nothing else, to their belief, that they should be entirely sacred; that is what I proposed to do in the case of the chapel; that is the manner in which it is done at the alms-house and lunatic asylum at Ward's Island.

Q. It is done, then, on the island? A. Yes, sir; they have services there; I don't know of any public institution in the United States where it is not done.

Q. Now, in relation to the compensation, is there a statute of law compelling this board of commissioners to pay for any chaplain? A. No, sir; I don't regard it that there is, not if I can understand the law; I don't find any law that the commissioners are bound to employ any chaplain.

Q. How do you interpret this law, chapter 515 of the Laws of 1857: "The annual compensation of the chaplains of the marine hospital, now located on Staten Island, shall hereafter be $600 each, in lieu of all other compensation to said chaplains now provided by law?" A. I don't understand that the law compels the board of commissioners to employ any chaplain.

Q. The marine hospital has been removed from the island? A. Yes, sir.

Q. Do you think when that was done that that vitiated all orders and directions upon that law? A. I don't think while it was in existence it compelled the commissioners here to employ chaplains; it says they shall not pay them less than $600, but it don't say they shall not abolish them or appoint them.

By Mr. WAEHNER:

Q. I find a resolution that refers to it in the report of 1873, submitted to the legislature: "Whereas a church has been erected on the island?"

Q. You also signed this report of 1873, I find, concurring in all of its facts except the one with relation to giving the president of the German and Irish societies the right to vote on all questions before the board? A. Yes, sir.

Q. You stated awhile ago that the Catholics also had a separate chapel in the nursery? A. No, sir; I didn't state that; I state, on the contrary, that there was a time when both people worshipped in the same room.

Q. When was that? A. In the early part of the commission; I cannot remember the date.

Q. Was it while you were a member? A. No, sir.

Q. This is information you have received from whom? A. From the officers who were there; Mrs. Molloy, the matron, who has been there during the whole term of the commission, I believe.

Cross-examination by Mr. DEVELIN:

Q. I understand you to say you were aware of this law which authorized and required the commissioners to pay for persons committed to the penitentiaries, etc.; I understand you that you don't find fault with the commissioners for paying for those, but you recommended the repeal of the law? A. I should, certainly.

Q. You don't find any fault with the commissioners for paying them? A. I find that was the unanimous opinion of the board.

Q. In favor of the repeal of the law? A. I never knew there was such a law.

Q. You justify its payment, but recommend its repeal? A. Yes, sir; I think that was a matter at one time before the board, but whether during the session of the board, or after an adjournment, I don't remember which, but it seems to me it was the entire opinion of the board, at that time, that we were not bound, and I didn't know there was such a law, and I think there is an opinion of the counsel on file here that the commissioners are not bound to pay for criminals; I had not any idea there was such a law on record.

Q. Or disorderly persons; there was an attempt made to include all criminals of every kind that were in the Tombs? A. I understand the commission paid for hanging this Reynolds.

Q. In these cases which you have spoken of, where persons were discharged from the island — I don't mean officers or employees, but individuals — and then sent back, did they come within your own personal observation as to their condition when they were sent back, or did you merely hear of their return? A. I saw them.

Q. Were not the women pregnant, with children, or sick persons, that were so returned? A. No, sir; not in all cases; some of them were women with children who were offered places at $15 and $16 a month, and the superintendent discharged them, and I saw them after they came back.

Q. You don't know who sent them back? A. No, sir.

Q. They came from Castle Garden? A. Yes, sir.

Q. They made application here, and then they were sent back? A I suppose so.

Q. Without a knowledge, probably, that they were discharged from the island? A. No, sir; they were reprimanded here, in some cases, and letters sent to the superintendent to that effect, and they promised to do better and take places.

Q. Didn't they do better afterward? A. I don't know that they did, except that they remained there; I didn't watch every individual case when they left the island.

Q. I think the general tendency of your testimony is to reach a conclusion that the last two years of the operations of the commissioners have been, in part, a failure? A. I think so.

Q. And I understand you to give as the causes of the religious question, and the prohibition on the part of the presidents of the two societies to act in concert with the board, that those two principles are the disorganizing elements that exist? A. Yes, sir.

Q. The religious question I understand to have been settled by that resolution to the legislature which Mr. Waehner read? A. Yes, sir.

Q. That ended the religious question? A. It did as far as I was concerned.

Q. So that cause of failure disappeared some time ago; now as to the other about the two presidents, how could that produce disorganization in the board in their operations? A. On their objection to the discharge of employees, and other matters that came before them.

Q. They had no power to object? A. Yes, sir; they had power to keep back until the board was compelled to adjourn without doing any thing.

Q. The same as legislatures sometimes do to keep the majority from voting? A. Yes, sir.

Q. But that didn't disorganize the general operations of the committee, that is that action of the two presidents? A. In the action of committees very frequently if any persons of importance were brought up before the board, its usual course was to refer it to the committees; the committees, the first year of the board, were composed of five members, of which the two presidents were always members.

Q. When was that. A. In 1873, and up to 1874; the two presidents were members of all committees of the board, as they are now, and on a question before the committee very seldom there would be a full attendance of the entire committee, but very rarely there would ever be a meeting unless both presidents were there.

Q. That showed they paid more attention to the business of the commission than the others? A. I think they did, to a certain extent; I certainly give them the credit of doing that.

Q. Then you say the two would be there, and the others not present? A. Some of the others would be absent; one would be absent, and that would leave four, and a question would come up ordering the discharge of so and so, and it would either be a tie vote or laid over; in those questions the presidents claimed a right to vote.

Q. On the question of recommendation? A. Yes, sir, on the question of the power to vote, and therefore their power to vote was equal to mine, and whatever the committee reported was adopted.

Q. Suppose the committee didn't adopt any thing, what was done then? A. It laid over.

Q. How would that disorganize the committee if the members attended to the business of the committee; was it bad feeling that disorganized it? A. There was no bad feeling.

Q. I mean bad feeling as officials, as shown by their action to resist what one wanted and assist another in carrying out what he wanted; was there a feeling in the board? A. Yes, sir.

Q. How many were engaged on one side, or the other? A. It would vary; in the first part of our commission I think Mr. Forrest and Mr Lynch were very much at variance, and Mr. Kaufman.

Q. A triangular fight? A. Yes, sir; I think they were very much at variance, so far as my judgment goes, and after awhile the thing changed around, and those who were enemies were friends, that is, they worked together, and you know how those things are done.

Q. But all this time a majority of the board was consolidated and worked together? A. Of course the majority ruled when they had a quorum.

Q. In those instances which you have mentioned of recommendations, leaving out the inquiry for this moment the recommendation you made in June, 1874, I think you said, about the discharge of employees, in all these other recommendations that you made the board disagreed with you where they were not adopted? A. Yes, sir.

Q. Then it was only a question of judgment between you and the other members of the board? A. I admit that; I don't think any member of the board or the presidents of the societies were actuated by any motive of their own.

Q. Simply their judgment as to the operations of the committee; the way you suggested or the way they suggested? A. Yes, sir; a question of opinion; I have no doubt their opinion was as sincere as mine was.

Q. Now, in coming down to the recommendation you made, I think you said on March 17th, 1874, a list of employees that you suggested should be removed and their salaries should be reduced, I think I understood you to say that a resolution was referred to the various committees whose departments would be affected by the adoption of your suggestions; that is, as to the employees in the finance department: the question was referred to the finance committee; and as to the employees of Ward's Island, the question was referred to the Ward's Island committee, and so on; am I correct in that? A. Yes, sir.

Q. I understood you to say, further, that those committees never made any report? A. The Ward's Island committee did.

Q. Except the Ward's Island committee, no other committee made any report? A. No, sir.

Q. The Ward's Island committee made a report when? A. I think in October, 1873.

Q. This was March, 1874, as I have got it? A. That was the second reduction.

Q. That was the second resolution, was it? A. Yes, sir.

Q. What was the date of your first reduction? A. I think it was in October, 1873.

Q. When you made that large reduction? A. Stopped the purchase of supplies out of the stores, and allowed no person to buy any

thing on the island; they had to go across the river to buy what they wanted.

Q. The employees on the island who were obliged to support themselves were permitted, as I understand, by the commissioners for a number of years to purchase their supplies at the stores? A. Yes, sir.

Q. And they were charged the same price as they stood the commissioners in? A. No, sir; I think there was a little advance.

Q. A small advance? A. Yes, sir.

Q. Now, one of the economies recommended by you was the repeal of that custom? A. Yes, sir.

Q. That they should not be allowed to do that, but should go over and purchase on the other side? A. Yes, sir.

Q. Another one was a reduction in the force on Ward's Island? A. Yes, sir.

Q. In what particular branches of business was that reduction recommended? A. Generally throughout where I found we could dispense with any one, I don't remember now the names of the parties.

Q. How much would that reduction have made in expense, confining your reduction to Ward's Island? A. Cutting off free board and reducing the expense in other ways I should think it ought to have made a reduction in the nature of $30,000 or $35,000.

Q. I thought your recommendation didn't cover over $30,000. A. I am speaking of the entire reduction, inclusive of stopping free board, etc.

Q. What do I understand you to mean by free board? A. I mean every person who was employed on the island in any capacity as an employee, no matter what his salary was, was entitled to board the same as every executive officer on the island.

Q. Is that not the rule in all the institutions? A. No, sir.

Q. You know it is not the rule that they should be boarded there at the expense of the commissioners; is it not the same as when you employ people in your own house, that you board them? A. No, sir; there was a table set there in the dining-room for all the employees, and they had prime beefsteak, boiled eggs and stewed prunes, and lemons, and every thing of that kind, which the patients were not allowed, and they had prime butter; they had a different quality of butter, and their rations were of an entirely different character, such as you or I would sit down at a table and eat, when the inmates and patients of the hospital had no such fare.

Q. Your idea was to reduce the expense of the food by reducing its quality? A. No, sir.

Q. You didn't expect the people would stay there and have to supply themselves, at the same wages, as the people who were supplied did? A. Yes, sir; and the proof of it is they did.

Q. That reform was adopted by the board? A. Yes, sir.

Q. There was no complaint as to that? A. No, sir.

Q. What other one was there on Ward's Island? A. I think I have gone over every thing.

Q. The particular departments on Ward's Island? A. The consolidation of the different departments.

Q. What departments? A. Take 1874, as compared with 1873, and take the superintendent's records of the commissioners, and you will find the inmates of the hospital, in 1874, were 90 per cent less than in 1873; that was a considerable reduction.

Q. Then they did consolidate? A. No, sir; they didn't while I was in the board.

Q. How were the inmates of the hospital, in 1874, 90 per cent less than they were in 1873? A. Because the inmates were not there.

Q. You mean to say there were fewer inmates in 1874 than there were in 1873? A. In the hospital department; in 1873 there were 7,000 and odd people treated in the hospital, and in 1874 there were 4,000 and odd treated, a difference of some 94 per cent, and my argument was, and I called the attention of the medical board, for fear the blame would be put on me, to the fact that the wards could be consolidated; they were not contagious diseases that were in some of the wards of the hospital, such as heart diseases, rheumatisms, and no contagious diseases at all that could not be consolidated in one ward; I didn't think it was economy on the part of the committee to have a nurse employed to take care of six patients in a ward where the ward was for the accommodation of 30, and 30 beds in the ward for them to be cared for.

By the CHAIRMAN:

Q. It is in proof by former witnesses that the expense of supporting the hospital on Ward's Island, and the patients in the hospital, is largely in excess of supporting ordinary persons? A. I think it is; I think hospital fare is more expensive than other fare.

Q. I suppose the recommendation was to have so many in the ward to reduce the expenses? A. Yes, sir.

By Mr. DEVLIN:

Q. That would simply reduce the number of nurses? A. No, sir; it would not, but it would save a good deal of expense for brooms and scrubbing brushes, etc.

Q. Did I understand you to say the board recommended the consolidation? A. No, sir; they refused.

Q. The medical board? A. Yes, sir; unanimously.

Q. And your own board after discussion — A. Refused to do it.

Q. What was the point on which they put their refusal? A. The point was that the hospitals might fill up again, and we would want the trained nurses.

Q. And you could not afford to part with them? A. Yes, sir.

Q. Because of the existing circumstances at that time? A. No, sir; it had been all along; the year previous to that I did the same thing; I did succeed in closing one ward, which has never been opened, and that is No. 10 in Verplanck hospital.

Q. It is liable to be opened at any day in consequence of increase of sickness is it not? A. Yes, sir.

Q. Is there any thing else besides this free board and the consolidation of the wards that you recommended as a means of economy on Ward's Island — that the Ward's Island committee recommended. A. I don't know.

Q. I am confining my inquiry now to the carrying out of your general recommendation which was cut up and referred to the various committees; I am not inquiring as to your general action here and there? A. I know that at that meeting all my recommendations were not adopted.

Q. They were not adopted by the Ward's Island committee? A. No, sir; they were not.

Q. One of them was? A. Yes, sir; although at the time it was thought impracticable.

Q. And the second one was not adopted by the board? A. No, sir.

Q. Now, then, in March, 1874, about the 17th, I think you put it, you offered a resolution for a general reduction? A. Yes, sir.

Q. And that is the time when you say some of the members left the board? A. Yes, sir.

Q. Now, let me call your recollection to that time; the resolution was offered by Mr. Starr, was it not? A. No, sir.

Q. Was is offered by you? A. I offered it as far as it related to Ward's Island, and as far as it related to Castle Garden it was offered by Mr. Starr.

Q. None of those committees to which these matters were referred made the recommendation? A. Not that I know of.

Q. But some member stepped over their head and offered a general resolution in regard to all departments? A. Yes, sir.

Q. Was not the previous question called upon that occasion, and an opportunity refused to discuss it? A. No, sir.

Q. Didn't Mr. Starr or yourself call for the question immediately? A. No, sir; after some little discussion, when we found nothing could be done, the previous question was moved.

Q. Was not what was said in objection to such a resolution being offered as being a sort of snap judgment on the other members of the

baard, to which this matter was referred? A. I don't know that it was referred to a committee.

Q. The matter included in these resolutions had previously been referred to other committees, as I understood you to say, the same matters that were in that resolution were in your suggestion made the previous year? A. I don't recollect that, whether at that particular meeting the action of the particular meeting of March, 1874 — I don't now recollect whether that had been referred to any special committee.

Q. The substance of it had been in your former recommendation? A. Yes, sir.

Q. And that had been cut up and referred to the various committees? A. There were but two committees, the Castle Garden committee and the finance committee.

Q. Who was chairman of the Castle Garden committee? A. Mr. Starr, and I was chairman of the Ward's Island committee.

Q. Neither Mr. Lynch nor Mr. Kaufmann were on either of those committees? A. They were on them, certainly; I think Mr. Kaufmann was not a member of both committees at that time.

Q. No; neither of them was? A. No, sir; I think not; one was a member of the Ward's Island committee, and the other was a member of the Castle Garden committee.

Q. When this resolution was offered by you on the 17th of March, 1874, did you consult with the other members of the committee with regard to the propriety of it? A. I had been talking it over some months.

Q. Did you hold a session in reference to it, or did you do it by conversation here and there with the other members? A. I cannot recollect.

Q. The previous question was offered any way at that time? A. It was, prior to their going out of the house.

Q. And didn't they say they would not stand and see a discussion of the resolution prohibited by the passage of that resolution, or that previous question; that they would leave on that account? A. No, sir.

Q. That they would not be overridden in that way, that they wanted to discuss the matter? A. I heard nothing of the kind said; if there was I didn't hear it.

Q. They didn't give that as a reason why they left? A. Not in my hearing; I didn't hear it.

Q. You spoke of persons in the labor bureau being sent back, after they were turned out of there, by Mr. Lynch; do you know that of your own knowledge, or have you heard it only from parties connected

with the bureau? A. I got it the day it occurred from the superintendent.

Q. You were not present? A. No, sir; Mr. Tyson, the superintendent of the bureau, happened to be there on that day and he told me.

Q. And in regard to these people who occupied places ten or twelve in the year, did you ever inquire into the reason why they left their places where they were employed? A. No, sir.

Q. You don't know whether they or their employers were to blame? A. I don't know any thing about that.

Q. Don't you know that there are a good many people in New York that employ women and keep them a couple of weeks and then say they misbehave themselves and discharge them so as to save paying their wages? A. No, sir.

Q. Of doing that as a systematic course, and then keep them two weeks and then discharge them in order to avoid paying them any thing, and say that they were abusive, or that they stole? A. I never heard of a case in this department; if I had, as a commissioner, I would have protected the girl in her rights.

Q. Didn't you know there was quite a large class in the community that are dealing with servants in that way? A. I have no doubt there are.

Q. You don't mean to say these women whom you have mentioned, and the persons generally who were looking for employment ten or eleven times a year, were in fault themselves by losing their employment? A. I don't know any thing about that.

Q. Then was there any objection to their coming to the labor department and getting a new place, if they could get it? A. There was objection when they were offered a place and would not take it.

Q. You said this labor bureau encouraged people to give up their places and come here? A. Yes, sir.

Q. You don't know who was to blame — the employers or the employees? A. No, sir.

Q. Then, how can you justify your idea that it was a disadvantage to the public to have this bureau? A. All I know is that girls that have been discharged for immoral conduct —

Q. Speak from your own knowledge and not from any information that captains of police gave you? A. A large portion of my knowledge —

Mr. Alvord — I think you are wrong, Mr. Develin. I think a public officer in the position of a commissioner cannot know from his own knowledge but must know from information. I think, therefore, your question is an unfair one.

The Witness — A large portion of the information which I have

given here, of course, came from the chief executive officer of the island — a good deal of information; the superintendent would discharge people who were offered places at $15.00 a month ; that I don't know personally; I was not present when it was done, except the superintendent reported that fact to me officially, and I took that fact to be true.

[Mr. Develin waived the previous question put by him.]

Q. How can you justify your idea that it was a disadvantage to the public to have this bureau? A. You ask me how do I know it was a disadvantage to the public; I have not answered that question.

Q. You did say about an hour ago you thought it would be a benefit to the public to abolish that labor bureau? A. Yes, sir, and I gave the reasons why.

Q. You say you don't know any thing about this matter, as to who was to blame, the employer or the employees, on which I understood you to put your conviction that the abolition of the bureau would be a benefit to the public? A. In all cases I don't; in some cases I do, if my information is correct from the head of the department.

Q. You do know who is to blame? A. Yes, sir.

Q. How many cases of that kind do you know where the employee is to blame? A. I don't know; I know where some parties were hired they have had their expenses paid into the country; I know that Mr. Halstead, a gentleman who has lived at Purdy Station, who has hired quite a number here ; I know he got disgusted about coming here for help; I know of parties who have hired and taken them away on Long Island, and they paid their fare there, and, when they got there, the next day they left, and I know some parties that were taken to coal mines to work, and they stole the tools and cut up and ran away, and all that sort of thing, and I know from information received from the superintendent that they would come in there under other names.

Q. And he would recognize them under other names? A. Yes, sir.

Q. And then they were permitted to be re-employed? A. Some he would turn out, and then he would have orders to allow them to come in again.

Q. Who would give the orders? A. I don't know; they would come from head-quarters.

Q. Let me ask you whether all the difficulty didn't arise from the fact that the board didn't act as a board; that individuals acted as if they were the entire board? A. I think that was the cause of the main difficulties.

Q. If a person was employed on Ward's Island, he was appointed by the board? A. Yes, sir.

Q. And sometimes you (I don't say it in any offensive way), would discharge that party? A. Never, that I know of.

Q. I understood you to say you had discharged people? A. No inmates; I have suspended officers.

Q. And then this suspension was reported to the board? A. Yes, sir.

Q. Now, the duties of the different committees are defined by law, are they not? A. Yes, sir.

Q. Has any individual member of the commission, under the by-laws, the right to discharge a person from Ward's Island? A. I do not know that they have.

Q. It requires the entire committee to act? A. It requires the board.

Q. I am speaking of an inmate; has the chairman, or any member of the Ward's Island committee, a right, under the by-laws, or in any other way, to discharge a person from Ward's Island? A. I don't know that they have any more than they have a right to send them there.

Q. They don't send them there? A. They do; they send them through the order of one of the commissioners.

Q. They are sent through the office? A. No, sir; they are not sent; they come themselves.

Q. Then there is authority to send them there? A. Yes, sir, in the commissioners.

Q. Is there any authority to discharge them from Ward's Island? A. I don't know that there is.

Q. When you discharge a person from Ward's Island, you discharge them without any authority in you to do so? A. I think that as commissioner I have power to do so.

Q. You think as commissioner you have a right to discharge any person as an employee? A. Yes, sir, without any knowledge of the board.

Q. You have a right to send any one there that is properly within the law? A. Yes, sir; I don't think that is the way the commission should be governed, but that is the way it was governed.

Q. In the instance of that party who expressed that complimentary opinion that he did of the commissioners, that he didn't care a damn for any of them, what was that case? A. That was the case of a man named O'Reilly; one of the officers complained to me that he could not keep him off the dock; that he had sore eyes, and was a quarrelsome person, and went around with a club in his hand, and I asked the superintendent why he could not keep this man quiet, or make him obey the orders, or turn him off the island; he said he had been there two or three years, and he could not do any thing with him. I said, "Where is the man?" He said he was in one of the wards; I forget the number now; it was in the old frame building north

of the office, towards the warden's house; I said: "I will go with you and see this man, and talk with him;" the superintendent accompanied me to the man, and I went in and he said: "this is the man;" I said: "O'Reilly, there is a good deal of complaint about your behavior on the island; why don't you behave yourself?" he said: "I am not troubling any body;" I said: "you know certain rules must govern this institution, and if you expect to remain here you must obey the rules of the institution;" and I said, "we cannot keep any order if every one does as he pleases; and if you cannot obey the rules you must go; he said he would go where he liked; I said: "no, you won't; you have got to obey the rules of the island, and if you do not you cannot remain here;" he didn't know who I was, and the superintendent said: "this is Commissioner Stephenson you are talking to;" he said: "I don't care a damn about the superintendent or any one else;" I told the superintendent to discharge the man.

Q. And he found his way back again? A. Yes, sir.

Q. You don't know under what circumstances? A. No, sir.

Q. You don't know whether this was known to those who sent him back there? A. I know it was known, for the man was brought down to the board.

Q. Before he was sent back? A. Yes, sir; he came back here the next day in the presence of the commissioners, and they sent him back to the island, and I said: "gentlemen, if that man is sent back to the island there is no use of me going there, for that breaks up all order."

Q. The board sent him back? A. I don't know who sent him back, but I know he went back.

Q. Was there any discussion about sending him back? A. About two weeks after that he was back again.

Q. I understand you to say in your administration of your duties you looked to your duty to the state first and to the emigrants afterward? A. Yes, sir.

Q. Are those duties separate? A. Yes, sir.

Mr. DEVELIN — I don't see the distinction.

THE WITNESS — I understand, if I understand correctly, as commissioner of emigration that this commission was formed with the purpose of taking care, first, of the interest of the state, and next, of the emigrant; and the strongest argument I can give you is here in my pocket, if you will allow me to read one sentence; this is a memorial signed by the committee, and sent to the legislature last year: "The purpose for which the commission was organized in 1847 was two-fold, namely: first, to afford the various cities and counties of the state the necessary protection against the importation of paupers and criminals from foreign countries; second, to protect alien passengers arriving at

the port of New York, and to care and provide for the sick and helpless among them." This is signed by Mr. Hurlbut, president of the board, and the mayor of New York.

Q. I suppose those two consist in one? A. They are both blended together, I admit.

Q. How can you protect the state without acting through the emigrant? A. You cannot; you have got to do both; in the first place every care and protection that is within the power of a commission to give the emigrants should be given them in their transit from here to their destination, or if they are sick or disabled they ought to be cared for by the commissioners, and that, I think, has been generally and faithfully done, so far as the board of commissioners is concerned; I don't know of a single case that has been reported to the board, of destitution, that has not been well taken care of.

By the CHAIRMAN:

Q. Your idea is simply this, that your duty to the state is to see that criminals should not come here? A. That the steamship companies should not employ agents on the other side to drum up emigrants and land them on our shore to be transported to Ward's Island, and from there to various counties, to be a cost to the state.

Q. I understand you to say, in speaking of the action of the board, that they looked to the interest of the emigrant first and to the state afterward? A. I think they did.

Q. In what way did they do that? A. I think it was their kind-heartedness that made them do it; I think that every species of charity which encourages pauperism, is an injury to the party to whom it is given.

Q. Do you consider that a man who pays the money by which he is supported is a pauper? A. I don't consider that the emigrant pays a dollar of the money; that is paid by the steamship companies.

Q. When some one else pays for their support, do you consider he is a pauper? A. I don't see that the question enters into this at all.

Q. You speak of the inmates of Ward's Island as being paupers; we never have considered them as paupers; we always considered them as persons who were supported for a consideration of some sort or other, either by themselves, or by some person outside of the proper fund? A. I never had any other idea, from the time I became connected with the commission, that an able-bodied person who refused employment was other than a pauper.

Q. Why do you think the presidents of the Irish and German societies should not be permitted to vote on all questions? A. My reason is that their first care was for the emigrant and not for the

state, that they refused to look after the interest of the state for proper reductions that could be made, and should have been made, without detriment to the emigrant.

Q. Do you mean in the counties' bills? A. I mean in the entire general management of the commission.

Q. That the emigrants would have been as well off by a different rule of action in regard to them as they are now? A. Yes, sir.

Q. And that they have been for the last year or two? A. That is my opinion.

Q. In regard to the county bills, have you not certain rules made by the board in regard to the mode of ascertaining the right of different counties to compensation? A. If there has been I never heard it once brought up either in committee or board, and I was a member of the finance committee for one year, and I attended generally the meetings of the board, and I never heard a single question raised one way, directly or indirectly, as to how any accounts were to be paid.

Q. Is there not a department in the office, and has there not been for the last two or three years, that examines those county bills and sees that they conform to the rules of the commission? A. I understand that to be the duty of the finance committee, and not the duty of any clerk.

Q. Is there not a clerk who takes care of that? A. There were clerks in the various branches of the —

Q. Is there not a clerk whose duty it is to look after those county bills and compare them with the manifest of the vessels and see that the party arrived at that time in that vessel, and his age, and see that the bills as they come in conform in all respects to the rules of the commission? A. Not any more so than those that are sent to Ward's Island; I examine in all cases to see whether he is an emigrant.

Q. Is there not a person who has that duty in connection with other duties? A. Yes, sir.

Q. Who examines all the bills that come from the counties to see that they conform with the rules of the commission? A. I have never known it to be done during my term of office.

Q. Were you on the finance committee? A. Yes, sir; one year.

Q. Did you ever do it? A. Never; I asked to have them brought here, but it never was done during the two years I was a member of the board.

Q. Those bills that are passed by the finance committee and reported to the board, are they not marked "audited" by some officer of the board? A. They never have been any audited since my connection with the board.

Q. Have any been paid since? A. Yes, sir, I think Mr. Bergen paid some.

Q. How much? A. I don't know; a very small amount; I was not a member of the finance committee that year, so I cannot answer what was done.

Q. Then the indebtedness of the commission to the counties consists of their bills being presented without having been examined A. I suppose so; I don't know.

Q. Do you know what was the course in regard to bills which have been actually paid, whether they didn't go through an auditing process? A. Yes, sir; the finance committee would be generally called together an hour before the meeting of the board; a package of bills that high [illustrating] would be examined; I would probably read off the amounts, and another one would take the manifest or the papers, or at least the requisition and check from there, and the treasurer would take the entries right from the book.

Q. Confine yourself to the county bills? A. I cannot tell you a word about them; I don't know any thing about them.

Q. None have been paid within your knowledge? A. I don't know except as the reports state.

Q. Could one be paid without the recommendation of the finance committee? A. I don't know; I never heard one read off in the finance committee.

Q. Those bills that were passed by the finance committee an hour or so before the committee met, were they not all audited and compared beforehand by some officer of the board? A. That I don't know; all I know is, it was the duty of the finance committee to do it, and not trust to any clerk.

Q. Was it possible for the finance committee to go over all the items? A. Of course, it was possible; for there was no need of leaving the bills that length of time to accumulate; they should have been audited every week.

Q. The bills are paid by the counties every three months? A. I don't know any thing on that subject any more than if I never had been a member of the board.

Q. In regard to the employees that you think might be discharged in the fall, and then re-employed in the summer when emigration increased; how many were there of that class? A. I don't know that I could tell; in the first place, I wanted to discharge all these laborers out of the Ward's Island bureau; the minutes will show what I recommended; I cannot recollect.

Q. Is it not something more than writing down the name of an emigrant, and where he came from, that is necessary in order to give you the statistics of what you want; must not a man be acquainted with the habits of the emigrant, his condition, etc., so as to intelli-

gently put down in his book what you want to know? A. No, sir; I think not.

Q. What is necessary that a man may write a name in German or Slavonic, or some other language? A. Get the names of the passengers, the date of the arrivals, etc.; it is mere clerical work.

Q. Who was that obtained from? A. From the emigrant himself.

Q. Then a ship will arrive with 1,500 to 2,000 emigrants; you have got either to detain the emigrants here a longer time, or you must have force sufficient to carry them through rapidly? A. No, sir; in the month of October you will find there were no such arrivals.

Q. Well, 500? A. That can be done in two hours.

Q. Suppose they want to go away that evening, and there is only an hour between the arrival of the vessel and the starting of the steamboat, are they to be detained at their own expense, or at yours, because you have not sufficient employees? A. They were kept here that time when we had more employees than we wanted; I don't know whether that was done in the interest of boarding-houses, or what.

Q. Then when they could have done it they permitted the emigrants to stay here? A. I have no doubt that was done very often.

Q. Did you ever report that to the board? A. It was not my business to interfere with the Castle Garden committee business; that was their responsibility; I took care of Ward's Island.

Q. You made a suggestion here, now, in which I am inclined to concur, that the commission is too large? A. Yes, sir.

Q. Will you give your reasons for thinking it is too large? A. My reasons are these, that a commission of nine, where four men do principally all the work, and try to do every thing they can for the benefit of the emigrant, and for the benefit of the state as well, when their efforts are upset by another class, members of the board who know nothing about what they are voting on, I think they are artificial members, and their votes count with mine; I know what I am recommending, which they do not; take the record of the business of Ward's Island, and you will find the largest number of visits made by any commissioner, except myself, was made by Mr. George Starr; from the 19th of May, 1873, up to about the 1st of April of this year, you will find that Mr. Starr, except myself, made the largest number of visits, and I think the record shows 44; the custom was, that every visitor, who went to the Island, registers his name in a book, and that shows.

Q. Was Mr. Starr a member of the committee of Ward's Island? A. Yes, sir.

By the CHAIRMAN:

Q. You say the number of persons in the hospital in 1874, were ninety per cent less than in 1873? A. I think that is the way I figure it in the report here.

Q. Take from the 1st of January, 1875, to the date of your resignation from the board: how was it then? A. Less than it was in 1874; the total number of emigrants treated in hospitals in 1873, was 7,852; the total number of patients treated in hospitals in 1874, was 4,645.

Q. The reason I asked you the question is this: We discovered in the examination, that the expenses of supporting Ward's Island, did not decrease as rapidly as in other departments? A. No, sir; I think not; I think the figures show that.

Q. And the reason given to the committee was that the expenses were kept up, and in fact increased, for the reason that there were a larger number of inmates in the hospital departments, whereas you state they were much less than in preceding years? A. I don't think there is any question of doubt about that, that they were less in the winter and spring of 1874 than they were in the winter and spring of 1873; I am speaking of the hospital now, which is the greatest expense of the institution.

Q. It appears, also, that the per capita expense in 1873, and so far in 1875, was thirty one cents, whereas in 1874 it was forty-seven cents, and the reason given for the increase was the larger number of patients in the hospital? A. That, sir, cannot be correct.

By Mr. DEVELIN:

Q. Are you sure it was in 1874 that the steamship companies, through their officers, represented to you the probable decrease of emigration, whether it was not in 1875? A. No, sir, I am not mistaken at all; I met the steamship companies twice.

Q. At a meeting in the office? A. Here.

Q. In 1874? A. They told us, from all the information they could get from their agents on the other side, the emigration would fall off nearly fifty per cent, or about one half; that knowledge the commission had in January, 1874, and it was generally discussed by the board that such would be the fact.

Q. Still, of the incoming emigration, say for a year, what proportion of that emigration goes into your hospitals and your refuges, compared with the emigration of the four previous years? A. I have not computed that; I don't know; I know the hospitals were much thinner in 1874 to my eye, and I don't think there was once that I failed to go there twice a week, and sometimes oftener.

Q. How was it as to the refuge? A. The refuge was smaller; so

much so, that before I left the refuge was consolidated into one building.

By the CHAIRMAN:

Q. With the information you had in 1874 that emigration would fall off, how is it that you were opposed to an increase of the tax of head-money? I understood you to say you were opposed to it, when, if there was a reduction of 50 per cent, according to your own statement, it would not pay the expenses of the institution if prudently and economically managed? A. I made no direct opposition to it; I signed the report, but I stated then, as I now state, that if the law was enforced, and every thing was scrutinized as the law intended the commission should do to protect the interest of the state, and the steamship companies were compelled to support those who the law declared burdens upon the state, not being able to take care of themselves; that that and the reduction of salaries from $143,000 or $147,000 that was paid when I came here down to $97,000 (and in my judgment there was no time when the salaries should have exceeded $90,000 with all the emigration that came here), I think that with all that together $75,000 a year would have been saved; I am only speaking of the city and county of New York; the same expenses exist in all the counties of the state; bonded emigrants appear all over the state in the same proportion they do in New York, and if the county bills were properly audited and looked after the expenses of the commission could be very, very largely decreased, and then with all the appliances in the hands of the commission, and all paid for, buildings, machinery and every thing appertaining to the care of emigrants, and the lands all free and clear, with proper economy I believe $1.50 could support and run the commission as well as it has been conducted.

By Mr. DEVELIN:

Q. That is with an emigration of 175,000 to 200,000? A. Yes, sir

Q. But with less than that it could not be done? A. I find that from the 1st of January, 1871, until the 1st of June, 1873, which is a period of about two years and five months, the expenses of this commission were over $48,000 a month; in other words, they spent over one million seven hundred and odd thousand dollars, out of which they paid and saved over $300,000 for permanent improvements, showing the net cost of running the institution from January 1, 1871, until June 1, 1873, was an average of over $116 a day.

Q. Do you think that this commission, in so far as the head-money is concerned, or the commutation-money is concerned, should be relieved — precisely the same as an insurance company is, that they should have an accumulated fund to meet the diminution of emigra-

tion, and that they should receive more in one year than was enough to carry them through that year? A. I think they did do it.

Q. They didn't do it this year? A. No, sir; but they did it in years gone by.

Q. And they spent it in buildings? A. I don't know how they spent it.

Q. Is it your opinion that they ought to accumulate funds for the time when emigration runs down to a point when they could not pay expenses? A. I think the commission should save every dollar they could. Q. Is it not a necessity of their existence that they should, in accordance with our experience of emigration rising and falling — is it not a necessity that they must accumulate a fund in prosperous years so as to meet a loss in those years less prosperous? A. Not necessarily so, with the means at their command to raise money.

Q. That is an accumulated fund? A. No, sir.

By the CHAIRMAN:

Q. In the year 1874, do you know of the steamship companies employing persons to go to Albany to defeat legislation? A. I do not; of my own knowledge, I know nothing about it.

Q. Did you hear it? A. I was in Albany in 1874, and I met Mr. Wakeman, and understood he was employed by the steamship companies in their interest to defeat the action of the board.

Q. The recommendation of the commissioners to increase the commutation? A. Yes, sir; of course, I know nothing about it personally.

Q. How is it about the year 1875; do you know of persons being at Albany in the interest of the steamship companies to defeat legislation in respect to the increase of commutation from information, of course? A. I met Mr. Bernard Casserly there, who was the only gentleman I knew, and from conversation I had with him he was decidedly, in my judgment, in the interest of the steamship companies, and against the commission on the question of head-money.

Q. This last year? A. Yes, sir; and he stated he always believed the commission could be run on $1.50, and was always in favor of it.

Q. Did you learn from him that he was employed by the steamship companies? A. No, sir; what I judged from him, I supposed he was there voluntarily; I had no information that he was employed by anybody.

Q. Did you suppose that Mr. Casserly was spending his own time and his own money at Albany to prevent legislation? A. Well, I certainly did, for this reason—

Q. Is he a pretty large philanthropist? A. I don't know; I always understood he was well off.

Q. A man may be well off and yet not be a philanthropist, as far as steamship companies are concerned? A. That may be; I never had any intimation from anybody that he was employed in the interest of the steamship companies; a man seeing him espouse a certain cause would say he was in the interest of so and so; but I know nothing of it.

Q. You know the fact that he was quite active among members of the legislature to defeat legislation? A. Yes, sir.

Q. You were at Albany frequently in the winter? A. Only twice.

Q. You saw Mr. Casserly there frequently? A. Yes, sir; twice; once I saw him getting on the train as I was getting off.

Q. Do you know of any person being at Albany besides Mr. Casserly? A. No, sir; I do not.

Q. Did you concur in the recommendation of the commissioners, last winter, to increase the commutation? A. I signed the report, because I felt it was a disgrace to this commission, after twenty-seven years running self-sustaining, to now tax the people, as the bill proposed to do, some $300,000 to support it.

Q. That bill was opposed? A. Yes, sir; I stated to Mr. Clark, who was in the commissioners of commerce and emigration, that I was opposed to the permanent increase of head-money; that I thought a compromise might be made by increasing the fee to $2.00 for a period of three years; that is what I proposed to Mr. Clark; I told him I didn't think the commutation fee should be put at $2.00 a head, but to enable the commissioners to get out of their present difficulty, if the bill could be reported to increase the commutation fee to $2.00 for three years, and then go back to $1.50, I thought it would be all the commissioners would require, and that, with proper economy, they could get on.

Q. Didn't you know the fact that the head-money was not a tax upon the emigrant at all? A. Of course I knew the fact; I always knew that fact.

Q. It was simply a tax upon the steamship companies? A. Yes, sir; and I always took that ground, but other members of the board took different grounds; when I came in the board I think the balance in the treasury was about $5,000; the secretary, Mr. Jackson, at that time reported that at the end of the year, with the present expenses of the commission, the indebtedness would be about $70,000.

By Mr. ALVORD:

Q. Do you believe that it would be for the interest of the people of the State of New York to abolish the commission of immigration? A. I do not, sir; on the contrary, I think it would be a great loss to the people of the State of New York, and a very great detriment to the arriving emigrants.

Q. I am talking about the state now? A. No, sir; I do not; I think the commission should be sustained.

Q. For what reason? A. For the reason that, if the law is carried out, the state is protected against pauperism, at least for a period of time.

Q. Do you believe that a commission of the character of this one, which is simply, as I understand, a commission of benevolence, and not a commission of salaries — I understand that you, gentlemen, don't receive any salary? A. No, sir.

Q. Is the true commission, a matter of interest to the state to maintain —of gratuitous services? A. My judgment is that the laborer is worthy of his hire, although I say if there was a salary attached to the office I never would have taken it.

Q. I ask you whether you think, that in a commission of this kind, acting simply as benevolent individuals, there is that care and that supervision which there would be if the commission was a salaried commission? A. No, sir, I do not think there is any thing like the care.

Q. I will ask you another question in connection with that, and it is simply for you to repeat what you have already said; do you not believe that the unification of such a commission, coupled with a corresponding pecuniary recompense for the work and labor performed, and an absolute and actual responsibility, would be better than to dispose it over a large number of men? A. I think so, sir.

Q. Do you not believe that that unification ought to go down to simply an official? A. I think so.

Q. So as to make it a commission of one? A. I think so; I think one would do it better than now.

Q. With a competent salary? A. Yes, sir.

Q. And held responsible for the acts of all subordinates? A. Yes, sir, that is my view about it.

Q. Do you believe that all of the present ramifications of the commission of immigration in reference to the question of pauperism and of crime, which attach to the immigrant before he came here, to the taking care of the labor bureau, and all that sort of thing, and the immigrant, when he got here — in fact in reference to all this care which you take of the immigrant could be better obtained, and the result be better arrived at, by that system, a system of unification of the office and of a competent and consequent remunerative salary with one commissioner, rather than under the present commission? A. I think so decidedly; there is no question in my mind as to the practical result that would follow.

Q. Now, another thing in that connection; do you think that the people of the state of New York should, under any circumstances,

taking into consideration the fact that the port of New York is the great commercial center of the country, as well of the commerce of the country as for its immigration, should be compelled under any circumstances to pay, by direct taxation upon its own people, for the support, care and management of the influx of immigration? A. No, sir; not in the slightest degree do I think so.

Q. That it ought, in other words, to be an absolute, actual self-supporting institution? A. Yes, sir; I think the benefit derived from it would pay them amply for what advantages they get.

Q. I want to ask you whether, in your opinion, within a moderate range from $1.50 to $2.50 per head of what is called head-money, it would make one single, possible difference in the influx of immigration to this point as against any other point in the United States? A. I don't think it would make a difference in the arrival of an emigrant or a steamship; I don't think it comes into the question at all.

Q. Would it make any difference in the cost to the emigrant in the other countries? A. I don't know, except it might in the passage-money.

Q. I speak of the fact outside of the reduction of passage-money? A. No, sir; I think not.

Q. I ask you, under the system that obtained in the past, with all its difficulties and mistakes, whether or no the care and protection which has been given to the emigrant here, and the benefit and advantages which are obtained at this port over any other port in the United States or Canada, has, or has not, affected the immigration to this port against any sort of discrimination that has been made in head-money at any other port? A. I think the care and facilities for emigrants arriving here have induced large numbers of emigrants to come to the port of New York that would not otherwise have come.

Q. Do you think that information is obtained by the immigrant before he comes here? A. I, do; in fact I have known it from emigrants.

Q. In what way is it obtained? A. The emigrants here writing for their friends write for them to come to New York through Castle Garden; I have known of several instances where emigrants sent for their friends, where they told them to come by the way of New York; I believe, as a general rule, emigrants prefer to come to New York, than to any other place.

Q. You understand that the immigration head-money is $1.00 in Boston and $1.50 here? A. Yes, sir.

Q. Do you believe that if it was raised to $2.50 to-day in the State of New York that it would make any difference in the volume of immigration as compared with the past in reference to other ports of the country? A. No, sir; I don't think the matter of raising the com-

mutation to $2.50 would retard emigration; I don't think it comes in the question at all; in fact I base my opinions upon the arrivals; I think under the $2.50 law there have been more arrivals than there was under the oher rate.

Q. The operation of immigration is more or less governed by the state of the value of labor and business and prosperity in the country to which the immigrant comes, is it not? A. I so take it.

Q. Here we are in general stagnation all over the country; of course there are a very considerable number of people from the old country who desire to come here; would the port of New York keep up its volume of immigration as contrasted with the other ports of the United States even if they should increase the head-money to the same rate that it was previous to the passage of the law reducing it? A. I think it would.

Q. So far as our laws are concerned, in what regard do you think they are defective? A. The laws of the commission?

Q. No; the laws of the State of New York in relation to immigration; do you believe that the State of New York is bound under any circumstances whatever to agree to become responsible for the support of any immigrant who shall come within the State of New York and who shall not continue to reside within its borders, but should immediately go beyond them? A. I should think not.

Q. You think the law ought to be changed in that regard? A. I do not think the State of New York ought to have any care of those who come here without any intention to stay in the State of New York.

Q. If, for instance, 500 Mormons come here to-day and they go to Utah to-morrow; at the end of a year or so they find themselves unable to be supported in Utah, and they crawl back to this state; should the State of New York under any circumstances be compelled to pay for their sustenance? A. In my judgment they should not.

Q. Do you think that an alteration of the law in that regard would affect largely the volume of immigration to this point. A. Eminently so.

Q. I am talking about it as affecting the number of people that come from abroad? A. Not at all; I think emigrants will come to New York under any circumstances — the great volume of emigration will come here under any circumstances; that is my judgment.

Q. You are aware of the fact, are you not, that the reduction of head-money from $2.50 down to $1.50 has eventuated in reducing a surplus of $337,000 down to an absolute indebtedness of about a quarter of a million? A. Yes, sir; so the report shows; I think on the 1st of January it was $211,000.

Q. Do you believe if the head-money had been continued right straight along at $2.50 that there would have been any apparent reduction of the immigration at this point? A. Not the slightest; I

have no idea there would have been any reduction of emigration that did come after the head-money was increased.

Q. Then the amount of head-money, after the emigration had fallen to 90,000, had been received into the state treasury, and there had been the same amount of reduction there had been in the expenses of the commission, are you not satisfied we would have been without any difficulty in maintaining our institution? A. We would have had a large surplus; if the commission had been conducted even with the economy the present board conducted it, it would have had a large surplus; there is no question about that in my mind.

A. As a general business plan, can you afford to reduce a clerical force in the ordinary vascillations of business, from a high to a low point with any safety — to alternate in that way? A. It depends on the character of the employment that they are employed at.

Q. I understand you to say, in what you have said here in your direct examination, that the force necessary in the winter is not so great as in the summer? A. Yes, sir.

Q. But would you go to work and reduce in the summer upon the low immigration of the present year, without any reference to the possible increased immigration of the succeeding summer? A. I certainly should; of course I would first inform myself as to what the probabilities would be of the next coming year's emigration; if, from all reliable sources of information I could get, I should believe that the emigration was likely to decrease rather than increase, I would certainly go to cutting off expenses.

Q. Now, here, for instance, to-day, if you are satisfied of the fact that your immigration is going to be 100,000—you being satisfied of that fact—according to your hypothesis you would reduce your clerical force so as to take care of that 100,000? A. Yes, sir.

Q. Now, suppose this was a simple anomalous condition of things, and you had every reason to believe, and everybody else, that next year your immigration here would be 250,000? A. In that case I would not probably discharge the clerks, if it was evident for three or four months their services would not have been so much required as they have been.

Q. Would it not enter in your calculation that the next year the immigration would show a consequent re-institution of the business of the country, and the clerical force you have to-day you could not buy for the same price? A. Most certainly I should retain them, and then *vice versa* the other way.

Q. You sum up the whole of your notion, and view it in regard to this matter, that in the first place it should be conducted as a man does his private business? A. I think all public business should.

Q. In the next place, that it should be in the hands of as few per-

sons as possible, even down to one, and, in the third place, that whoever does public business should be removed from shirking responsibility by being paid for his services and held to direct responsibility, because he was a hired servant and agent of the people? A. That is my judgment.

By Mr. VOSBURGH:

Q. Did it ever come under your observance, when you were commissioner, that any commissioner employed persons connected with this institution here through the agency of politicians—that they made appointments for political friends? A. Not that I know of; the general changes that were made; I might receive twenty or thirty letters from different parties were there were vacancies or where there were vacancies about to be made; I don't know of any appointment specially made for any politician that I know of; I cannot call it to memory.

By Mr. DEVELIN.

Q. What do you think of this argument that was publicly made last year concerning the increase of commutation-money, that if the legislature did increase it the emigrants would go to Boston and Philadelphia? A. I don't think there is a word of truth in it.

Q. You don't think it would have any such result? A. No, sir; and never did.

Q. Do you know of steamships landing passengers at Boston while commutation was $2.50 here for the purpose of escaping commutation here? A. I never heard of it, and I never heard that it was done; my judgment with an emigrant is that they all regard this institution as their great protector, and my belief is so; I must say that in the board that was unanimous; in the case of any destitute emigrant, or those who came here with a grievance of any kind, where they had been robbed or misused, or their wages retained from them, I must say that the board was unanimous in redressing any wrong an emigrant had received, and I regard it as one of the best institutions of the state.

Q. You consider the fact that there is a commission of emigration is well known through all the countries from where the emigrants come, and that they come here by reason of that fact? A. That is my information, derived by myself from emigrants.

Q. And that the steamship companies cannot deceive them? A. The steamship companies cannot control their coming here.

By the CHAIRMAN:

Q. How did the commission come to pay for the execution of Rey-

nolds? A. I am told that was a mistake; I heard that when I came in the board.

By Mr. GEDNEY:

Q. You say one person would discharge the duty to the state and emigrant better than the present board; I want to ask you whether, in your judgment, particularly whether the commissioners would have discharged their duties better and more faithfully, if they had been paid a salary, than they have done by not being paid? A. I can only answer in this way, that I know some of the commissioners would not have been commissioners, if it had been a paid office; I know that some of the present board of commissioners would never have accepted the office, if it had been a paid office.

Q. Do you believe that they are, and have been as good commissioners as could have been procured, if there had been a salary attached? A. No, sir; not in all cases; for myself I will answer positively, knowing that I am under oath, that if I had been paid a salary of $5,000 a year for the services I rendered, I do not believe that I could have done them any better, and with more care, and with more interest to the care of the emigrant, and also to the protection of the people of the State of New York; but I say I think the duty is very arduous to any man to perform, but, having taken an oath, I did it, and would do it, if I remained here now, but I don't think a man is called upon to give the services that I gave, without any remuneration.

Q. My question was, whether they would get better commissioners by paying a salary? A. That would be a pretty difficult question to answer.

By Mr. ALVORD:

Q. Do you believe that, take people as they are (I don't speak of the present commissioners), who simply go to work and do a duty which is put upon them as simply a benevolent duty, ever feel themselves under as much obligation to perform those duties at all times and in all seasons, to the neglect of all private business and private desires of every name, kind and description, as a salaried man, who is an honest man, would do it? A. I do not think so as a general rule; I believe there are men that would do it.

Q. Do you believe that in any sort of commission of this kind, where there must, of necessity, be diversity of opinion upon the part of the men who are under no obligation to perform the duty, except simply their oath of honor, that it can be as well done as it can be done by one single individual operating for a single person who is singly held responsible for the performance of that duty? A. I must certainly say I think not.

The CHAIRMAN — Look over the records and you will see about every other meeting is adjourned for the want of a quorum; there is the best evidence of the fact that those men didn't pay the attention to it they would have done if they had salaries.

By Mr. GEDNEY:

Q. I ask my question on this ground; I have more faith in human benevolence than a good many men have; I believe that there are men that would discharge this duty, and have discharged it upon the little pride they have; that they have all the gains they virtually require, and that the matter of salary is of no consequence to them; I want to know whether such men as that would discharge their duty as well without a salary as they would with it? A. I would say that I believe there are men that can be found that would perform the duties of this office, if appointed commissioners of emigration, with as much care and with as much fidelity to the interest of the emigrant and to the interest of the state, without pay, as they would with pay; I think there are such men; I am frank to say that if I was one of those men who was competent to live without my daily employment that I don't know of any charitable object that I would be as glad to take hold of and administer to it as I would to this; I think there is a pleasure to it; if every thing is done properly I think it is a praiseworthy institution, and I think it is a great act of benevolence, and I think there can men be found to do it — the question is whether such men will be appointed — I believe there are such men that can be found, but I believe the number is very small compared with others.

By Mr. ALVORD:

Q. Do you believe that in a mixed commission of even benevolent men who are thoroughly imbued with benevolent ideas to the extent you have named, that there could be that harmonious action in the management and control of an institution of this kind that would redound to its benefit? A. No, I do not think so.

By Mr. DEVELIN:

Q. Are there not in New York a number of institutions large in the expenditure of money, and in the number of persons they have under their charge, which are managed entirely by benevolent individuals without compensation? A. Yes, sir.

Q. And managed as well as any man manages his private business? A. No, I would not say they were managed as well.

Q. Managed as well as any public officer manages his business? A I know several charitable institutions; I belong to one myself; my

judgment is that the man who receives his pay would perform his duty better than those who receive none.

By the CHAIRMAN:

Q. Your belief is that they would not perform their duty as honestly and faithfully as if they received pay, that they would attend the meetings of the board when it would be convenient for them to attend, and when it would not be convenient they would not be here? A. Yes, sir; and the proof of that is here.

On motion, the committee adjourned to meet at Castle Garden, July 23, at 10:30 A. M.

NEW YORK, *July* 23, 1875.

The committee met pursuant to adjournment.

Present—Hon. Jeremiah McGuire, Chairman, and Messrs. Alvord, Gedney, Vosburgh and Waehner.

F. W. J. Hurst, called and sworn.

By Mr. WAEHNER:

Q. What is your business? A. I am sole managing agent in America of the National Steamship Company.

Q. Did you act in that capacity during the year 1871? A. I did.

Q. And prior to that time? A. Since the beginning of 1866.

Q. In the year 1870 or 1871, do you know of any conference, or any arrangement on the part of the steamship companies in connection with the commissioners of emigration to procure the reduction of head-money? A. I was down here on one occasion to see the commissioners in reference to that subject.

Q. Had there been any meeting of the ship-owners before that time, or their agents? A. I cannot recollect whether there had been any meeting before that or not.

Q. What time was it that you were here in company with the commissioners? A. That I cannot say; I should not like to swear it was 1870 or 1871; it was about five years ago.

Q. Was it in the winter months? A. I don't recollect; I remember the occasion of being here.

Q. State what took place on that occasion? A. We had a talk with the commissioners, and we told them what we had often told

them before for several years, that the commutation tax of $2.50 we considered altogether too great, and that it was a clog on the commerce of the port as driving passengers to Philadelphia, Boston and Baltimore; that all these ports were bidding for the trade and they were willing to bring passengers cheaper than I could to New York, and we explained to them that once the emigration left New York, that it would damage the port of New York by taking away the steamers, and that the western produce which came here altogether would be withdrawn in a great measure from New York, and the steamers running to this port with emigrants could bring goods cheaper than we could direct to New York, and in consequence New York, instead of being the great distributing port of the country, would sink to a second rate port, or to a port not superior to Boston or Philadelphia.

Q. Do you recollect having any conference appointed on behalf of the commissioner of emigration to consult with you in relation to that matter? A. Not except on that day we were here; I don't know whether the whole board were here that day or not; there were several gentlemen here belonging to the commission.

Q. Was any thing said at that conference about employing any person to go to Albany to procure the reduction of head-money? A. I can't remember that there was.

Q. Do you belong to the North Atlantic Steamship Traffic Conference, as it is called? A. I belong to an association by which we fix the rate of passage, etc.

Q. At any meeting of these conferences was any action taken in relation to the head-money? A. Not any conference meeting, if I remember right.

Q. Was any conclusion come to at this conference in relation to head-money at any time? A. Except the general idea we all had very strongly that it was altogether too great.

Q. Was that idea expressed by any member of the conference at its meeting. A. I don't know whether it was expressed at that meeting or not, but we talked it over together.

Q. Who was the secretary at that time of that conference? A. Mr. Sanford.

Q. Who was the president? A. I don't wish to be disrespectful to the committee, but if the chairman will kindly instruct me whether I am bound to answer any question affecting my private business, and not affecting the inquiry in progress, I will be obliged to him; I consider that any meeting of the stemship agents here

affecting the rate of passage-money hardly comes under the inquiry.

The CHAIRMAN — Unless it was understood by the commissioners of emigration that in consideration of a recommendation by the commission for the reduction of the head-money that that would affect the price of passage.

The WITNESS — I would be happy to answer that question if put to me.

Mr. VOSBURGH — I take it if there was any talk at the meetings of this committee of the steamship owners in relation to the increase or decrease of head-money, any action taken on that subject, it would be proper for him to answer any question in relation to that.

Mr. WAEHNER — I want to find out if there is any organization of that character, and what the result of their action is, and what binding force it has.

The WITNESS — I think I have already stated I didn't recollect any conversation in conference meeting on that subject at all.

By Mr. WAEHNER:

Q. I am now getting at whether any thing was said on that subject at any former meeting, or any agreement by the steamship companies, in relation to the reduction of head-money; whether there was any formal organization? A. I answer I don't recollect that any agreement was made at any meeting of the conference.

By the CHAIRMAN:

Q. Was there any organization by the representatives of the steamship companies to affect it? A. We have no president; I could not get why you wanted to know that; as fixing the rates of freight and passage-money, I don't recollect that there was any action taken affecting the reduction of freight and passage-money.

By Mr. WAEHNER:

Q. Was any thing said at any time, that you now recollect, at any meeting of the conference, either in the year 1870, or the early part of 1871, in relation to the reduction of head-money? A. I think we all expressed the opinion that it was altogether too high, and that the expenses of the commission ought to be considerably reduced.

Q. Was there any proposition made by the committee appointed on behalf of the commissioners of emigration to you, or was there

any suggestion made on behalf of the steamship companies with relation to the reduction of passage-money, in case the head-money should be reduced? A. There was not; any promise made by the steamship companies?

Q. Any suggestion on the subject, either by the way of promise or an intimation that it would be done? A. There was no promise on the part of the steamship companies to reduce the passage-money if the head-money was reduced.

Q. Was there any intimation given by the steamship companies conference in relation to that matter? A. I don't think there was, because, if my memory serves me right, there was something said on that day as to whether the steamship companies would reduce their passage in case the head-money was reduced, and the answer was made: "We can make no promise of that kind, as coal and iron are going up, and we have enough to do to make both ends meet."

Q. Did you individually make any promise of that character? A. I did not.

Q. Do you know any body by the name of Patrick A. Jones?

A. I do not; I know him by name; he was postmaster, I believe.

Q. Did you ever meet him? A. I don't believe I did; I would not know him at any rate if I saw him.

Q. And do you know whether he was at any time counsel for the commissioners of emigration? A. I do not.

Q. Do you know who the counsel was in the year 1871? A. I do not.

Q. Do you know who it was in 1870? A. I do not; the only counsel that I ever knew in connection with—I don't know whether they were counsel in 1870, or not—were Develin, Miller & Trull; I don't think they were then.

Q. Do you know any body by the name of Michael Nolan? A. I knew him by name.

Q. Did you ever meet him? A. I am not positive whether I did, or not.

Q. Do you recollect of any introduction to Michael Nolan? A. I do not.

Q. Did you ever have any business transactions with Mr. Nolan? A. In which way?

Q. Any business transactions? A. I paid him some money.

Q. You paid him some money? A. Yes, sir; I have paid him some money.

Q. In what way did you come to pay him this money? A. As

counsel for the companies in opposing the emigration bill at Albany; or getting the head-money reduced.

Q. In what way was he appointed counsel for that purpose? A. I don't remember how it was done; he was appointed counsel, and we agreed to pay him so much money if he got the act altered.

Q. By whom was he appointed? A. That I cannot tell you.

Q. Was he appointed by any committee acting in behalf of this conference of which you speak? A. No, sir, he was not.

Q. Was he appointed by the conference itself? A. He was not.

Q. Do you know whether he was appointed by any individual member of the conference, or were you ever informed that he was? A. Yes, sir, I think I was.

Q. By whom were you informed? A. That is pretty hard for me to say now after this lapse of time.

Q. Was it Mr. John G. Dale that informed you? A. I am not positive whether it was Mr. Dale or not; he must have known he was appointed, and we may have had some conversation about it.

Q. Do you recollect having any conversation with Mr. Dale in relation to Mr. Nolan? A. I don't recollect the substance of it.

Q. Did you ever have any conversation in relation to Mr. Nolan? A. Yes, sir, I believe I did.

By the CHAIRMAN:

Q. State whether you know of any employment, or the payment of any money for that purpose? A. I don't recollect very much about it; it was undoubtedly done upon the recommendation of some one, but at this distance of time my memory is not quite good enough to swear to it; I knew who the man was, and knew where it went; I knew it went to him for services at Albany as counsel for us.

Q. State your first knowledge of the matter? A. I cannot recollect how it was I came to employ him at all; that is, my memory is not sufficiently good enough at the moment for me to state; the thing passed out of my mind entirely.

By Mr. WAEHNER:

Q. Do you recollect of paying him any money? A. I do recollect that distinctly.

Q. Do you recollect paying it to him personally? A. I do not.

Q. Do you know who you paid it to on his behalf? A. I saw some one at the counter taking some money one day from one of

the clerks, and they told me it was Mr. Nolan; that is all I know; I don't see checks generally that are paid out.

Q. Who was this? A. I don't know.

By the CHAIRMAN:

Q. The clerk would not pay any money without any direction from you? A. No, I would sign the check.

By Mr. WAEHNER:

Q. Are those checks still in your possession? A. I don't know whether they are, or not, unless I looked.

Q. How much in all was paid to Mr. Nolan? A. I cannot say.

Q. What bank at that time were those checks drawn on? A. Duncan, Sherman & Co.

Q. Were all those payments made in the way of checks, or was there any cash paid by you? A. That I could not say.

Q. Will you produce those checks? A. If you tell me to do it I shall have to do it, of course, if I can find them; I suppose they are there.

Mr. WAEHNER — I would like to have you do so.

By Mr. VOSBURGH:

Q. Can you not state how much money you paid him at any one time? A. I could not swear to any item of that sort; it would be impossible.

By Mr. WAEHNER:

Q. Do you recollect what direction you gave, or at least what direction did you give to your clerks or your cashier in relation to Mr Nolan, and as to paying him money? A. No, sir; I don't; I don't recollect what directions I gave to him.

Q. When did Mr. Nolan for the first time call at your store; do you recollect the occurrence of his first visit at your office? A. I do not.

Q. How often did Mr. Nolan call upon you? A. I cannot say.

By Mr. VOSBURGH:

Q. More than once? A. Oh, I should think so.

By Mr. WAEHNER:

Q. What was this arrangement under which you paid money to

Mr. Nolan? A. It was a certain percentage upon the passengers arriving during a certain time his fee was to be.

Q. What was that percentage? A. Either fifteen cents, or twenty-five cents a head.

Q. And for what time was he to receive this? A. Six months I think, or a year; I forget which.

Q. In what manner were those payments to be made — by monthly installments, or all at one time, or in what manner? A. I cannot recollect.

Q. Do you recollect Mr. Nolan calling upon you and showing you a paper — showing you the signature of other parties to it, and telling you he was the counsel for the steamship companies, and asking you for your share of his counsel fee? A. I don't recollect that.

Q. Do you recollect Mr. Nolan bringing any such paper to you? A. I do not.

Q. Do you recollect having any conversation at all with Mr. Nolan, in relation to this matter? A. No, sir.

Q. Did you or did you not, have a conversation with him? A. I cannot even recollect whether I ever saw Mr. Nolan; I have got an impression on my mind that he was pointed out to me at the desk one day.

Q. Had you never seen him before he was pointed out to you? A. I am quite certain I did not.

Q. How did you know he was a proper person to pay money to? A. My cashier looked out for that; I don't pay any thing out personally at all.

By the CHAIRMAN:

Q. You signed the check? A. I sign checks.

Q. Didn't you require some evidence of the identity of the man? A. My cashier at the time would require it.

By Mr. WAEHNER:

Q. Who was your cashier at that time? A. It was a young man named Conyers.

Q. What was his first name? A. Heber; I think in that year I had one or two changes; I am not quite certain about the time.

Q. Who was your other cashier about that year. A. I made one or two changes in the office; I could not tell without reference.

Q. Is Mr. Conyers still in your employ? A. Heber Conyers is not; if you ask me to state to the best of my recollection I might

state something more, but when I am asked to swear to things I am more careful.

Q. Give us your best information; it is not confined to your personal knowledge as it would be in a court of justice; we will take all you have from hearsay, or from information. A. I am afraid if I tell you all I have from hearsay I should tell you more than I ought to; I don't think it would be right for me to do so.

Q. We will take your best recollection on the subject as to what you heard from other parties, and what you heard from other sources besides your own observation and your own knowledge. A. Well, I have already said that we did pay Mr. Nolan some money, and, I think, but I would not like to swear to it, that it was at the rate of twenty-five cents. It was either fifteen cents or twenty-five; I cannot recollect; it passed out of my mind long ago, and we employed him, or he was employed, as counsel for us to go to Albany to get the percentage down, and if he was successful he was to be paid so much.

Q. Who employed him? A. He was jointly employed, I suppose, by all of us.

By the CHAIRMAN.

Q. Didn't you know at the time that the commissioners of emigration passed a resolution asking the legislature to do so? A. I didn't know it at the time; they had always been opposed to any reduction of the head-money.

Q. It seems that after the passage of the resolution by the commissioners of emigration, that this arrangement was made by Mr. Nolan and the steamship companies. A. No; I cannot recollect now; I don't recollect that the commissioners ever passed any such resolution.

Q. The commissioners passed one resolution in 1871, and Mr. Nolan was not employed until after that time? A. No; it was after that time, certainly; it was late in the session.

By Mr. WAEHNER:

Q. Give us your impression now, and your best recollection in relation to the whole transaction as to the employment of Mr. Nolan; as to the manner in which you become acquainted with him sufficiently to identify him as the person to whom this money was to be paid, and as a person who was acting, or did act, in the interest of the steamship companies to procure the reduction of the head-

money? A. I don't recollect who told me now, but it was some one, I believe, who knew all about it or I would not have engaged him; I was satisfied at the time I paid him this money that it was paid out for a specific purpose; it was after the passage of the law, *that* I know, some time after.

Q. That you paid him the money? A. Yes, sir.

Q. Didn't you pay any money before the passage of the law? A. I did not; and I can say this much, that in 1873 and in 1874, I was personally on the committee that went to Albany to oppose that bill; I mean to say, to oppose the increase the commissioners were trying to get, and I went up myself, and I distinctly said we would not pay out more than $200 or $300, and we did not in 1874 or 1875 pay out more than that, and that was to employ one or two counsel, that I am positive of, when I was on the committee; possibly the chairman's idea may be right.

The CHAIRMAN—It was wholly unnecessary to expend any money on a bill when the opposition was unnecessary?

The WITNESS—I begin to think it was now.

By Mr. WAEHNER:

Q. Do you recollect signing any paper for Mr. Nolan? A. I may have done so; I cannot say.

Q. Don't you recollect whether you did or not? A. I would not care to swear whether I did or did not; I think it is very likely I did; I have signed so many papers one way or another that I cannot remember; it is my impression that I have done so; I would not like to say I did not.

Q. It is your impression that you did sign such a paper? A. Yes, sir, but I would not like to swear whether I did or did not.

Q. Do you know what that paper purported to be? A. No; I can hardly recollect any thing of it at all; we signed one or two papers, I know, but I don't recollect what it was.

Q. What is your impression as to what this paper purported to be? A. If any one was signed at all, of course it was an agreement to pay him some money, but what the terms of it were I cannot recollect.

By Mr. ALVORD:

Q. For what reason did you pay him the money? A. We paid him the money for services at Albany as counsel.

By Mr. WAEHNER:

Q. Was not this an extraordinary matter, that you would be apt to recollect, out of the ordinary course of your business? A. Well, no, I cannot say it was an extraordinary matter; we have a good many extraordinary matters in steamship companies.

Q. Was it not out of the ordinary course of your business to pay money to counsel to influence legislation? A. I don't know that it was paid to influence legislation.

Q. To pay counsel to go to Albany to procure certain things to be done in your interest? A. Yes, sir, it was, rather.

Q. Would you not be apt to recollect a matter of that kind? A I don't recollect.

Q. When did you make the last payment to Mr. Nolan? A. I cannot say.

Q. Do you recollect seeing Mr. Nolan more than once in relation to this matter? A. No, sir, I cannot.

Q. State the circumstances, as nearly as you can recollect them, and if you cannot recollect them, give us your impression as to the first interview that you ever had with Mr. Nolan? A. I really don't remember; I think I saw him once at the office.

Q. Well, now, let us have your impression as to the conversation you had there? A. My memory is entirely blank about it; I would not know him now if I met him in the street, or what he is like even.

Q. I know, but that is hardly an answer to my question? A. I don't care to give any impressions that are not permanently fixed on my mind.

Q. Give us those that are not permanently fixed on your mind; I don't care whether they are permanently fixed on your mind or not; give us such impressions as you have got? A. I think that must have been some time after he began to get money there that I saw him.

Q. I am now asking you in relation to your first conversation, or your first meeting with Mr. Nolan, the impression that you had at that time? A. I cannot recollect any conversation now.

Q. I don't ask you to detail the conversation, or to state the conversation; I am asking you now for your impression as to what that conversation was, or what the circumstances were under which you first met Mr. Nolan? A. I have got some idea that he told me —— I objected to paying some money, or something of that sort, and he

came to explain to me how he got the bills through; it is rather mixed up as to why he should do that, because if I paid him any thing at all it must have been arranged before.

Q. You are satisfied you went into this arrangement with him before the bill was passed? A. It must have been before.

Q. That you are satisfied of? A. I think so.

Q. And the impression that you have of your first interview is that you made some question or objection to the payment of money to him; now, will you state what that objection was, or what your impression is in relation to it? A. I cannot remember now what the objection was.

Q. What is your impression about it? A. My impression is that we paid him enough for his services.

Q Didn't you know at that time that you had entered into an arrangement with him to pay him a certain percentage upon all immigration for a certain period of time? A. Well, you are asking me a question now, and I am giving you some confused impression in my mind; my recollection of the whole thing is not sufficiently clear for me to state it at all.

Q. We don't require any positive statement; we will take a hesitating statement? A. I cannot recollect any thing about it; it is all mixed up.

Q. Have you had transactions of this kind frequently? A. No, sir.

By Mr. VOSBURGH:

Q. If you paid this money monthly for six months, or a year, do you mean to say you have no impression on your mind for what that was paid? A. I was away in England part of the time.

By Mr. WAEHNER:

Q. Who attended to your business in your absence? A. Mr. McKenzie.

Q. Is he in your office still? A. Yes, sir; he is.

Q. What is his first name? A. D. R. McKenzie.

Q. Now, do you recollect, or have you any impression that you, at any time, paid any sum larger than the customary installments to Mr. Nolan, or to any one for him, or for the purpose of procuring the reduction of head-money? A. I have already stated that we didn't pay him any money, if my impression is right, before the bill was passed, and how the payments were made it is impossible

for me to tell you now; there were several payments made to him; that I know.

Q. Your checks would show, I suppose, whether the payments were made with any regularity as to time? A. Yes, sir; they would show.

Q. Do you know Bernard Casserly? A. I do.

Q. How long have you known him? A. Seven or eight years; nine years, by the way, since I first came out here; nearly ten now.

Q. Did you have any conversation with him in relation to the reduction of head-money? A. I did.

Q. Was that when he was engaged in this department? A. It was.

Q. Will you state what those conversations were, as near as you possibly can? A. The first conversation I ever had with him was in 1866, in Albany, when Mr. Casserly was there in the interest of the commissioners of emigration getting a bill through to raise the commutation tax, which he succeeded in doing; I told him we thought it was unnecessary, and so on, and he only smiled and went ahead and got through; we went up there before the committee of the legislature to oppose it, and it had no effect, for they got the bill passed.

Q. Mr. Casserly went there in the interest of the commissioners of emigration to procure the head-money to be raised? A. He did.

Q. From what sum was it, and to what sum? A. I think it was from $2.00 to $2.50.

Q. Had you any conversation with Mr. Casserly after that time? A. Yes, sir; on several occasions.

Q. Do you recollect any conversations particularly in relation to this commutation-money? A. I used to tell him that we thought the commissioners spent too much money, and that they had been building all the houses on Ward's Island out of the commutation fund, which was never intended, and that the state ought to pay for those houses; that it was never intended for the steamship companies, or for the emigrants to pay it, and as they were getting so rich they ought to favor a reduction of the head-money, and we tried several times, by counsel, at Albany, to effect a reduction of the head-money, but we never succeeded.

Q. Do you know whether Mr. Casserly, at any time, changed his opinion as to the advisability of increasing the head-money? A. Yes, sir; about that time he admitted to me one day —

Q. About what time? A. About 1871 or 1872, he admitted to me that the commission could get on with less money.

Q. He admitted that to you? A. Yes, sir; he did.

Q. Did you have any conversation with him in relation to his being employed to procure this reduction for the steamship companies? A. No, sir.

Q. Did he suggest any persons to whom the steamship companies should go? A. He did not.

Q. For this purpose? A. He did not.

Q. Do you know whether Mr. Casserly appeared in the interest of the steamship companies the last session of the legislature? A. I have been told he did.

Q. That is your information? A. That is my information.

Q. Do you know whether he appeared in the year 1874, before the legislature, in opposition to the increase of head-money? A. No, sir; I think not; we were all up there together in Albany; it would appear on the record.

Q. On what record? A. On the record of the committee of commerce and navigation; I was up at the senate one session last year — the session before last.

Q. Was Mr. Bernard Casserly there before that? A. In 1874?

Q. Yes, when you were there with the committee? A. I am not positive whether he was or not; I am under the impression that I saw him at Albany at that time, I cannot say whether he was there or not.

Q. Were you informed at any time by any person that Mr. Casserly was acting in the interest of the steamship companies during the session of 1874? A. No, sir; I don't think I was.

Q. Have you any impression upon that subject? A. My impression is that he helped us a little up there by what he said.

Q. Do you know what inducement he had to help you? A. Nothing very special, except that he was sent away from Castle Garden, I suppose.

Q. Any personal spleen on his part against the commissioners? A. No, sir; I don't think it was spleen; he always spoke in a very friendly way about the commissioners.

Q. Then he must have had some other motive? A. I cannot tell, sir.

Q. Have you any reason to believe what his motive was? A. I have not.

Q. Do you knowany body by the name of Frank Rudd? A. I do not.

Q. Do you knowany body by the name of Daniel Casserly? A. I

don't know whether I do or not; I know another Casserly, but I don't know whether his name is Daniel or not.

Q. You know the other Casserly? A. I do.

Q. What was his relation towards the steamship companies? A. Nothing very special.

Q. Was he acting in the interest of the steamship companies, or was he employed by them? A. I think he was.

Q. Will you state what the nature of that employment was? A. He drew up some papers for us, I think, or something.

Q. What were those papers? A. I don't recollect.

Q. Has he drawn up prior affidavits for you? A. No, sir; he has not.

Q. Were those the only papers he ever drew up for the steamship companies? A. I think so.

Q. You cannot state what those papers were? A. He helped one of us — wrote out an address to the committee on commerce that we sent up to Albany.

Q. Now, this committee that you were on that appeared before the legislature of 1874, by whom was that committee appointed? A. Well, we were appointed by the general steamship companies in New York.

Q. Were you appointed at any meeting of this conference? A. Not of the North Atlantic.

Q. Any other conference? A. You cannot call it a conference; we simply appointed Mr. Schwab, Mr. Dale and myself.

Q. Who appointed you? A. We were appointed by all the lines generally.

Q. In what manner was the appointment made? A. I think we appointed ourselves as much as anybody else; the names were got up and sent around to the lines to know if they were agreeable to them, and they said "yes"; I don't remember any thing special about the meeting at all.

Q. Was there, or was there not, a meeting at which your committee was appointed? A. I don't think there was.

Q. Now, when did Mr. Casserly draw these papers, in 1874? A. In 1874.

Q. Don't you know that Frank Rudd was connected in business with Mr. Casserly? A. I do not.

Q. Do you know whether Mr. Bernard Casserly was connected in business with Daniel Casserly? A. I do not.

Q. In what manner did you come to go to Daniel Casserly to prepare these papers? A. I think he called on me.

Q. He called on you? A. I think so; he came to my office, and I don't know whether it was before he had the thing in hand or not.

Q. Did he bring any letter of introduction from any one, then? A. No, sir; he introduced himself.

Q. Had any one spoken to you prior to that in relation to Daniel Casserly? Q. No, sir; I don t recollect.

Q. Had there or not, according to your best impression? A. I don't recollect.

Q. What is your impression on the subject? A. It was not of sufficient importance for me to keep any impression.

Q. How much was Mr. Casserly paid for drawing those papers? A. I don't know.

Q. Did you pay any part towards paying for those papers? A. I paid a proportion.

Q. How much? A. A small amount.

Q. How much? A. I don't suppose over $200 or $300.

By Mr. ALVORD:

Q. Two hundred dollars or $300 your share? A. Yes, sir; at the outside; I don't know whether it was even as much as that.

By Mr. WAEHNER:

Q. And the other steamship companies I suppose also paid a proportion? A. I suppose they did; I don't know.

Q. And all Mr. Daniel Casserly did was to draw a memorial to the legislature for this sum that was paid by you and the other steamship companies? A. That was all, to my knowledge.

Q. Do you know whether Daniel Casserly ever appeared at Albany and made any argument before the committee of the legislature in relation to your interest? A. I cannot say; I didn't see him there.

Q. You didn't see him there? A. Not that I recollect of; then I think I did see him there, by-the-by, in Albany; I am not positive about it, but I am sure he didn't argue any thing before the committee, not while I was there.

Q. Do you know whether Mr. Bernard Casserly made any argument before the committee in 1874, or have you heard that he did, in the interest of the steamship companies? A. No, sir; I don't think he did.

Q. Were you informed that he did? A. I don't recollect; no, I don't think I was informed so.

Q. Have you any impression on that subject? A. My impression is that he did not.

Q. Who appeared with you of your committee and argued before this committee of the senate, or the committee of the assembly? A. Abraham Wakeman.

Q. What relationship did he sustain towards the steamship companies? A. He was employed as counsel

Q. Then you employed Mr. Wakeman as counsel to appear and

argue before the committee, and Daniel Casserly was paid and retained as counsel to draft this memorial that same year? A. I think so.

Q. How much was paid to Mr. Wakeman as counsel that year? A. I am not positive.

Q. Your impression? A. He was paid an ordinary counsel fee for his services; I suppose $2,000 or $3,000.

Q. Have you any impression, or have you heard the aggregate sum that was paid to Daniel Casserly by all the steamship companies for the drawing of this memorial? A. I have not.

Q. How did it come that your share was $200; in what way was that agreed upon? A. I don't know that it was as much as that; if my memory serves me right my share was about that amount for the whole expenses.

Q. Including Mr. Wakeman? A. Including Mr. Wakeman, but there were two years some small amounts paid, and I may have the two mixed up; I think it cost us a little more in 1874 than it did in 1873; it was so small an amount that I was quite surprised.

Q. How did you come to pay such an amount as that? A. We could not employ people for nothing.

Q. In what way did you arrive at that amount as being the liability of your company? A. It was brought in to me by some one, I forget who it was, possibly one of the clerks of the other line came around, having it divided, and I paid my proportion.

Q. In what way was it divided? A. It was divided between five or six of us equally; I think in 1873 and 1874 it was so small that it was just divided by the number of lines; it was a very small amount.

Q. And five or six of you paid the whole expense? A. Yes, sir.

Q. Do you know of any other steamship companies that paid more than that? A. I do not.

Q. Have you any impression that any steamship company did? A. I have none.

Q. Is it your impression that any paid more than you, or less than you? A. No, sir; we generally divide those things *pro rata* among us — not *pro rata*, but equally.

Q. Then, five or six steamship companies, paying $200 each, would be $1,200? A. That was for the whole expense I am speaking of; it may be more than that.

Q. You stated awhile ago that Mr. Wakeman's fee was between $2,000 and $3,000? A. Yes, sir; I should think about that.

Q. How was the balance made up? A. As I have already stated there were two years, 1873 and 1874, and my memory is not clear enough about the two years to state.

Q. Would your books show how much you paid annually for these purposes? A. They would not.

Q. Don't you keep any account of money paid out that way for those purposes? A. I keep a private account which I understand, and which the directors understand.

Q. You have a private account in which are entered sums paid for counsel fees for purposes of this character? A. Not a regular account, but that amount would be charged up against the Liverpool office.

Q. What is the form of the entry? A. It stated what it was in that case, I think.

Q. But, as far as your arrangement with Mr. Nolan was concerned, that you paid out in checks? A. I think so; I have no doubt about it; I pay every thing I owe in checks.

Q. Does that appear upon the regular books of the company, or in your private account? A. I don't know how it appears; I could look and find out, though.

By the CHAIRMAN:

Q. The Williams & Guion line furnished us with a statement of the amount they paid there? A. I have no objection to furnishing a statement.

By Mr. WAEHNER:

Q. What steamship company do you say you are agent for? A. The National.

By Mr. VOSBURGH:

Q. I see, in the year 1871, that the emigration by your line was about 30,000, and after the 1st of May, or after the legislature adjourned, it must have been in the neighborhood of 25,000; would you not be likely to know if you paid twenty-five cents per head, and gave a check to Mr. Nolan for $1,000; would you not be likely to remember an amount of that kind, giving a check of that amount? A. My memory is not clear enough to state any amount we paid him. We paid him several checks.

Q. They must have ranged about $1,000 apiece? A. They may have done so; I could not tell you whether we paid him monthly, or how we paid him; but I can look back and find out, and give you the exact information.

Mr. WAEHNER — Give us exact information as to the amount you paid Mr. Nolan, and also as to the checks.

By the CHAIRMAN:

Q. Can you furnish us with all the information on the subject, as to the times of payment and the amount each time? A. I can do that.

By Mr. WAEHNER:

Q. Do you recollect the occurrence of the steamer "Queen," of your line, landing at Boston, and landing certain emigrants that came to the city of New York subsequently, and claimed the protection of the commissioners of emigration on the 21st of November last, I think it was? A. The Queen on several occasions on going to Boston with freight, brought out passengers from England that wanted to come out; we put them on board the Boston boats, and sent them here; it is a very common thing for lines to do; we had several boats coming to Boston, and we thought of establishing a line there, and have tried it again since; they encourage us very much in Boston, and don't charge any head-money, and give us wharfage free.

Q They don't charge any head-money in Boston? A. On passengers to go out of the state; I am under the impression they don't charge any at all for those that stay in the city.

Mr. ALVORD — They charge $1 for a person that don't stay in the city over twenty-four hours.

By the CHAIRMAN:

Q. In regard to this case that Mr. Wachner has called your attention to, you say that was the steamer Queen you brought some passengers out by? A. We did on several ships.

Q. But at this time, on November last? A. I would not be able to say; I don't think the Queen went to Boston in last November; she has not been there in some years.

Q. When you bring passengers to Boston, you then, at the expense of the steamship companies, send the passengers to New York? A. If they are booked to New York we do.

Q. In this particular case you are stating that the steamer Queen landed emigrants at Boston on the 21st of November? A. Last November?

Q. Yes, sir. A. She was not at Boston last November at all; the Queen has not been to Boston for four or five years.

The CHAIRMAN — We found it in a paper that always tells the truth; I know it told a good deal of truth about me last winter — the *Tribune* — and I suppose it does about every thing.

The WITNESS — I am quite positive the Queen had not been to Boston for five years.

The CHAIRMAN — And has always told so much truth about me that I am inclined to think it tells the truth about everything.

The WITNESS — The Queen is in the regular line; I don't think the Queen has been to Boston since 1869.

The CHAIRMAN — This article was, in substance, this, that the steamer Queen landed some emigrants at Boston, and they were sent

on the same day at the expense of the steamship company to New York, and many of the passengers claimed the protection of the emigrant commission.

The WITNESS — They may have claimed it; I have no doubt they did, but I doubt whether they got it; the commissioners are very particular about giving protection to those that have not paid their $1.50.

The CHAIRMAN — Of course the deduction made from the statement of that by the writer of the article was that the passengers were landed there for the purpose of escaping the payment of the $1.50.

The WITNESS — No, sir; that could not have been so.

The CHAIRMAN — "*Tribune*, December 21, 1874; the steamer Queen of the National line landed about 150 emigrants at Boston on Thursday, who were brought to New York by the Norwich & Worcester line of steamboats and landed at their wharf;" there is so much particularity about it that it cannot be a mistake.

The WITNESS — I don't think there was that year, but they may have been.

The CHAIRMAN — "The emigrants say when they left Liverpool "they expected to come to New York without being transferred to "Boston; the Queen paid the expense of their transit to Boston;" "when they landed they had no protection," * * * "nothing to "eat since leaving Boston;" I understand that information was derived directly from your office through Mr. McKenzie.

The WITNESS — He would not give any information of that sort; the article is evidently written in connection with the interest of some people at Castle Garden, and it was done to influence legislation; it may have been one of our ships landing passengers there; we have done it constantly.

By Mr. ALVORD:

Q. In other words, I suppose, if you have a load of freight for Boston, you don't refuse to take immigrants that come to New York? A. No, sir.

Q. And you take them to Boston and send them on to New York at the same expense you would take them to Boston? A. Yes, sir; I don't recollect the Queen being there, but such things did occur.

By Mr. WAEHNER:

Q. Will you make an investigation, and inform the committee whether on this occasion you had freight from Boston back, or whether the vessel came subsequently to the port of New York? A. Yes, sir; we had several ships at Boston last year; some went back direct, and some came on here; it depended on the freight money.

Q. Were passengers so landed at Boston in these cases? A. I think nearly in every case.

Q. After examining your books and papers, could you tell the number of passengers that were landed at Boston in that way, and also the names of the vessel? A. I don't know that we have any record here of that; it is kept in Liverpool; we were trying last year to run vessels to Boston, owing to the heavy expenses in New York; I can tell you the number of ships there, but I could not tell whether each vessel sends passengers to New York.

Q. Do you keep any record from the log book? A. Not of the Boston ships.

The CHAIRMAN [to the witness]—As early as is convenient to you if you will furnish the committee with the information to which your attention has been called, the amounts of money paid Mr. Nolan and your checks and the statement that Mr. Waehner desires in regard to the transfer of passengers, if there were any, from Boston to New York, you will oblige us. We have no desire to inquire into your private business any further than is necessary to subserve the public interest, and as your business may be connected with the state institution and this transaction we want to give it as much publicity as possible to make this whole system of using money around legislatures as odi ous as possible, and to protect all parties from the exposure of thus being robbed and blackmailed by these fellows.

By Mr. ALVORD:

Q. You certainly would not be willing to pay Nolan or any one else except for services rendered? A. Certainly not

Q. And you would not be very apt to pay for services rendered except a prior arrangement or agreement had been made for that purpose? A. I don't think it would be likely.

Q. We have their testimony here that an agreement in writing was drawn up on the part of the steamship owners or agents of the steamship lines that in the event of the passage of an act declaring the reduction of head-money, through the intercession and labors of this man Nolan, that you would pay him 25 cents a head for at least one year subsequent to the passage of the act; have you not with that statement I have made, a recollection that you signed such an agreement? A. I have not; I could not swear to it; if the others did I did, no doubt of it; I am under the impression, on thinking it over, that there was some paper of that kind, but I would not like to swear positively I signed it.

Q. What sort of information had you of the power and strength of this man Nolan in himself, that caused you to make such a great offer

to him for the purpose of getting that bill through? A. I made no offer to him.

Q. Well, agreeing to pay him under certain contingencies? A. We have been trying for years to get the law altered, and we could not do it; and if he was successful in getting the law altered, we would pay him this money.

Q. My question is, how came you impressed with the possible power of this man to bring about that arrangement for the passage of that law? A. I am sure I could not say; I didn't know whether he could do it or not.

Q. Did you, at that time, have any information, in any way, shape or manner that you can recollect, of Mr. Nolan or any one else representing to you steamship companies, that that amount of money would be necessary to effect, beyond himself, the legislature of the state in passing the bill? A. No one told me that at all; I didn't know what he was going to do with it; he never got any until the bill was through.

Q. Supposing I come to-day or to-morrow, and such a case as he had was in embryo, and you desired the same thing, do you think, without any sort of introduction to me, on my mere saying that I could do this thing, that you would take me up and make an agreement of that kind with me? A. I would not do it, and I didn't do it in that case; I was told by some one, and who I cannot tell —

Q. Were you not impressed, in some way or other, that this man was a man of great power, and could procure and perform this work better than any one else? A. Yes, sir; I must have been.

By the CHAIRMAN:

Q. Whether the power was in himself, or in conjunction with others? A. Ah, that I can not say.

By Mr. VOSBURGH:

Q. Was Mr. Wakeman connected with Mr. Nolan at that time as counsel? A. I never knew Mr. Wakeman in the case at all until the spring of 1873.

Q. Did you ever know that Mr Nolan went to Albany to argue before any of the committees? A. I did not.

Q. Did you ever hear that he did? A. I cannot say that he did.

Q. Or did you ever hear that he did not? A. No, sir.

By the CHAIRMAN:

Q. The law was passed, and you made no further inquiry? A. No, sir.

Q. Whether it was brought about by Mr. Nolan's efforts, or other parties, efforts you regarded as a matter of no moment to the company at all? A. I didn't think of it a second time.

By Mr. WAEHNER:

Q. You say when he came to you for some money you made some objection to the payment of it after the law was passed? A. Some little time.

Q. Might not your objection at that time have been that you had been informed he had done nothing in the interest of the steamship companies, and that other parties had accomplished the passage of the act without his assistance? A. Yes, sir; it must have been something of that sort.

Q. You think it was something of that sort? A. Yes, it must have been.

Q. Were you ever informed, by any parties connected with the steamship interests, that Mr. Nolan had not come to Albany, and that other parties had secured the passage of this bill? A. I don't know who it was made that remark to me; it was not any one connected with the steamship interests.

Q. Any one else disconnected with the steamship interests? A. I am under the impression that Mr. Wallach told me we paid some money, and that he thought we were very foolish for doing it.

Q. Commissioner of emigration at that time? A. Yes, sir.

Q. Did he tell you Mr. Nolan was a person of influence? A. No, sir; he told me he heard we employed some one at Albany to get the bill through, and that we were very foolish for doing it.

By Mr. VOSBURGH:

Q. What reason did he give for telling you you were foolish in doing it? A. He said the commissioners were themselves in favor of it.

By Mr. ALVORD:

Q. Do you, as agent here of your line, have a discretionary power in matters of this kind, without referring the question to your local board at home? A. I have full power to do what I like, subject to being called over the coals if I do any thing wrong.

Q. Were any other moneys paid out in the year 1874 by the steamship companies, or by you, as a contribution to a general fund for the purpose of affecting that legislation? A. I don't know of any.

Q. Not any? A. I am sure there were not any.

Q. Did any of you go up there, either individually or as a committee, for the purpose of effecting the passage of that bill which

reduced the head-money from $2.50 to $1.50? A. I was in Albany in 1873 and 1874, and I am under the impression some one did go up in those years, when I was not on the committee; I am under the impression that some one did go in 1871; one year I know they went.

Q. I understand you to say you were not at all aware, until after this conversation with Mr. Wallach, that there had been affirmative action taken by the board here, as a board, in favor of the reduction of head-money? A. As far as my recollection serves me, it was in consequence of Mr. Wallach's conversation with me that caused me to feel angry about the money we paid.

Q. You had no recollection prior to that conversation with Mr. Wallach of any affirmative action, and that that affirmative action had been announced to the people at Albany? A. No; I don't think I had; I am almost certain I had not.

By the CHAIRMAN:

Q. You stated you had a meeting with the commissioners of emigration in reference to the reduction of head-money? A. We did.

Q. Didn't you understand at that meeting that the commissioners would recommend a reduction? A. I did not understand it; we had conversation with them; my recollection does not serve me that they said they would do it.

Q. Have you any means by which you can tell us the date of that interview? A. No, sir.

Q. You have nothing? A. No, sir; it might be on the minutes of the books here, but further than that I could not tell; I could not swear it was in 1871; it might have been in 1872; I didn't go away with the impression that some one was going to recommend them; that may be overshadowed by the continued operation of the commissioners to put the price down, and when we got it down they tried to shove it up again.

Q. The committee from those commissioners that conferred with the steamship companies made their report to the board that the following steamship companies, amongst others, were present: The Cunard company, the Inman company, the Williams & Guion and the National line? A. I was down here at some meeting I know.

Q. Does that not refresh your recollection? I will read further: "While expressing those views the gentlemen representing the ship interests were also of opinion that the commutation money should be reduced to the lowest point compatible with the support of the institution, and also suggested the propriety of the representation of their interests by the election of one of their number to a seat in the board? A. We found that could not be done by law.

Q. [Reading.] "The opinion of the majority of those gentlemen

was that the commutation-money should be reduced to $1 per capita, and in harmony

to reduce the commutation money to $1.50 per head." Don't you recollect that at that meeting this report was agreed upon. A. I do not.

By Mr. WAEHNER:

Q. Had you no knowledge after this of the action of the committee; didn't you keep track of the action of the committee? A. No, sir; unless I happened to see it in one of the papers by accident I should not have followed it; they don't always report the full thing that goes on.

Q. You were on this committee that consulted with the commissioners? A. It was not a committee; I suppose all the lines were represented.

Q. Would it not be natural for you to watch the result of the deliberations of the commissioners of emigration in conjunction with the others? A. No, sir; I don't think I would follow that up; I was so tired with the arguments of the commissioners trying to get it reduced that I gave it up.

By Mr. ALVORD:

Q. Did you have any agent, counsel or attorney at Albany this past session? A. I think we had; I don't know personally about it, because I was away in the winter.

By Mr. WAEHNER:

Q. Who was that? A. Mr. Forrest was the first gentleman told me about it; when I came back home he told me Mr. Casserly was up to Albany in our interest; I told him I didn't know any thing about it.

By Mr. ALVORD:

Q. Were you called upon to pay for those services? A. I cannot say whether I was, or not; I think very likely I paid some thing for expenses in Albany next winter.

By Mr. WAEHNER:

Q. Will your books show it? A. Yes, sir.

Q. Will you be kind enough to look and let us know? A. Yes, sir.

Q. By what time do you think you can procure this matter we desire? A. I suppose 1871 would be in the old ledger.

Q. Can you have it by Tuesday or Wednesday? A. Yes, sir.

Q. Will you be kind enough to furnish it to us on next Tuesday? A. Will you make it Monday.

Q. Yes, we are willing to have it to-morrow if it suits your convenience better?

Mr. VOSBURGH — I would suggest at the same time to bring the information in relation to the steamer Queen, that the chairman spoke about, that landed passengers at Boston.

The WITNESS — I may be mistaken in the name; I dare say it was done; it was a very usual thing for Boston steamers to bring passengers to New York; they want to come, and we send them that way; passengers for Boston very often come this way; we do a large business in bringing them to New York, and then sending them to Boston, and we have to pay the commutation and the fare on to Boston.

Leonard R. Welles called and sworn.

By Mr. WAEHNER:

Q. You were at one time connected with the commissioners of emigration? A. Yes, sir.

Q. In what capacity, and at what time? A. I was deputy superintendent from the year 1859 to 1861, and superintendent from 1868 to 1873.

Q. We will limit our inquiry from 1870 to 1873, and I will ask you what your business was as superintendent; what were the duties of your office? A. They were of a very general nature; I was the chief executive officer of the commissioners on Ward's Island in charge of all their buildings, and had the care of their inmates—police supervision of the island, and, in fact, a general supervision.

Q. Was it part of your duties to purchase supplies for the island? A. Not unless ordered by the commissioners.

Q. Was there any other person, during the time that you were superintendent, that purchased for the island? A. Yes, sir.

Q. Who was that? A. When I was first appointed the firm of Bonnell & Adams were styled purchasing agents; they purchased the smaller supplies of the island on a commission, and the requisitions, after being approved by the chairmen of the committees, were sent to them to fill; that is, for the smaller articles, and the larger articles that were deemed best for the commissioners to save the percentage or

commission on I was instructed to buy very soon after my appointment.

Q. Then it was during the time that you were superintendent. Bonnell & Adams were also purchasing agents for the commission in conjunction with yourself, whenever you were directed by the commissioners to buy supplies? A. During that first part; Bonnell & Adams were previous to 1867.

Q. State to the committee the system and manner which prevailed of purchasing goods by you? A. Do you mean previous to the time that I was appointed purchasing agent?

Q. Since 1870, when it was part of your business, at any time from 1870 to 1873, to make these purchases? A. The system pursued was this; the requisitions were made out at Ward's Island; the memorandums came first from the steward, and were signed by the superintendent; they then came to Castle Garden and were approved by the chairman of the Ward's Island committee; they then passed into my hands as purchasing agent, and I selected the goods; the goods and vouchers come to Ward's Island.

Q. Did you audit the bills or the vouchers? A. I did, sir.

Q. And what the nature of your return that you made; did you return to the finance committee the result of your audit? A. The bills were first entered in an invoice book on the island, a complete copy of the bill; the steward examined the weight and measure of the articles, and certified to their correctness; my clerk examined the extension of the bills and certified to that; the bills then received my signature and were sent to Castle Garden for supervision by the finance committee.

Q. From 1870 to 1873 was there any person connected with Ward's Island by the name of King? A. Yes, sir.

Q. What was his relationship to the commission? A. He was appointed purchasing agent.

Q. He was the purchasing agent? A. Yes, sir; perhaps if I explain a little you may understand better; previous to that, or up to 1870, as I explained, I had made parts of the purchases; after Mr. King's appointment he made the whole of the purchases, and did so until he was dismissed, and I was then selected by the commissioners to make all the purchases for the island.

Q. While Mr. King was the purchasing agent did you superintend the purchases? A. Not at all, sir; oh, no, sir.

Q. Was it part of your duty to examine into the quality, and did you examine into all articles purchased by Mr. King? A. Either directly or indirectly, through my steward.

Q. Were the bills ever presented to you; did you notice whether the prices charged upon the bills were large or extravagant, or were they low and reasonable? A. I was not expert at that time, and it was not part of my duties to comment or decide upon the prices paid for goods; it was my duty to decide upon the quality of the goods.

Q. Did you ever have occasion to remark, or did you ever remark, that the prices were large, or whether they were small? A. Certainly.

Q. Did you ever take notice, or make a remark as to the price of the goods? A. Yes, sir.

Q. Can you testify whether the purchases made by Mr. King were reasonable, as far as the price was concerned, or whether they were extravagant? A. As I testified before the committee here three years ago, I took occasion to call the attention of the commissioners at various times to the fact that the articles were not of such a character as I deemed proper for the island.

Q. That, as far as the quality of the article charged for was concerned, the prices were high? A. I thought so, yes, sir.

Q. During that time were any articles or supplies purchased by contract? A. Yes, sir; I think the meat and the milk was supplied by contract; I think they always have been in fact.

Q. Do you know the manner in which the contract was made at that time in relation to meat? A. The matter of opening bids for the contract for the supplies of meat was all done at Castle Garden, therefore I cannot swear in relation to facts of that kind.

Q. Did you ever have occasion to examine into the quality of the meat that was furnished in pursuance of this contract? A. Yes, sir; it was part of my duty to do so.

Q. Were the prices charged for the meat reasonable or extravagant, so far as it concerned the quality of the meat? A. We always got a very good quality of meat.

Q. Did you at any time call the attention of either of the commissioners to the quality or condition of the meat and milk delivered under this contract? A. If there were exceptional cases, or days when bad meat was furnished, or part of the meat delivered was bad, it was my duty at once to order it out of the island, which I did at once, and did not receive it, because the meat was paid for at my weights at the island, and if bad meat was delivered I didn't pay for it.

Q. Do you know whether the contractor was paid for such meat?

A. Certainly not; he was not paid for any meat except what I weighed on my scales.

Q. Did you keep any memorandum at that time of such meat as was offered for use, the weight, etc., so as to notify the commissioners? A. No, sir; the quantity was small, and at times there was some excuse during extreme hot weather.

Q. In what manner were the commissioners enabled to make any reduction? A. Simply because the bills were never paid until I certified them; the meat was never certified for until the weight was compared with my scale weight, and made correct.

Q. You said that this was a contract, that in some cases meat was unfit for use on the island, and that you would send that meat back and would not receive it — would not pay for it? A. I would not receive it.

Q. In what manner was the contractor paid — was he paid a round sum a year for meat? A. No, sir; he was paid so much a pound.

Q. And he was to deliver so many pounds at such and such a price during the whole year? A. Yes, sir.

Q. Do you know whether the contractor was, at any time, paid a larger price for meat delivered on the island than the contract called for? A. On the contrary, I think he was not; I am positive he was not, because the prices were all put in at the island in conformity with the contract, a copy of which I had.

Q. Now, with relation to shoes purchased for use on the island, what do you say with regard to the prices paid for them? A. By Mr. King.

Q. By Mr. King? A. Well, sir, he paid a very large price.

Q. As compared with the quality of the articles delivered? A. Yes, sir; I think the matter of shoes was the first one my attention was called to.

By Mr. GEDNEY:

Q. You say he paid a large price? A. Yes, sir.

Q. Would you say he paid a large price, or was a large price charged? A. The commissioners paid the price, of course; Mr. King didn't pay it; the bills were paid here, and Mr. King certified to those bills as purchasing agent; what I wish the committee to understand is, that I consider the price paid was very large for the goods purchased; the price was excessive.

By Mr. ALVORD:

Q. You have been in the habit of buying in the open market every thing else except meat and milk; I want to ask you whether or no you do not think the open market is better than the contract system, that you could have done as well in the open market for meat and milk as you did in the other articles? A. I think not in those articles, in the articles of milk and meat; the question has been asked me fifty times by the commissioners; we did make our contract in the spring for condensed milk for the year at so much per quart in the summer, and so much in the winter, and then competition was opened to the three or four condensed milk companies who furnished milk to the city; samples of the milk were sent up to the island for examination.

Q. I want to ask you the general question, whether or no you could not have bought meat and milk full as well in the open market as you could any of these other articles you bought. A. I think not.

Q. Is there not as much variance in the price of meat and milk, taking the year through, as there is in other articles? A. It is very important that the meat supplied to the island should be of a certain grade, and should be up to a certain standard, and therefore going into the open market and buying it of different dealers the result would be very unsatisfactory.

Q. Would you not have the same power of rejection that you have in the case of contract? A. Yes, sir.

Q. My question is simply this: contrasting the question of meat and milk as two separate articles from the bills, if you are going to adopt one system or the other, why do you make an exception in the case of meat and milk? A. I answer your question simply from a personal experience of between eight and nine years, and I am so impressed with the fact that the service of purchasing meat from day to day from different parties and different places in the market would involve so much trouble and so much dissatisfaction among the physicians that the service to the island would not be improved by buying meat in the open market.

Q. Do you not believe that the contract system, in regard to all your purchases, is better than the open market? A. No, sir.

Q. What is your reason for that? A. Because there are many articles that it is almost impossible to contract for properly.

Q. What is one article? A. Sugar is one.

Q. Why is that more difficult to contract for? A. Because the market is changing from day to day, and I don't think any reputable grocer would be willing to contract to deliver a certain number of barrels of sugar a day at a certain price.

By Mr. GEDNEY:

Q. Is the meat and milk delivered daily? A. Yes, sir.

Q. Are any other articles delivered daily? A. I think not; meat and milk are delivered daily.

By Mr. ALVORD:

Q. I want to find out the difference between the open market for a certain article and the contract price for a certain other article? A. I don't believe the purchase in the open market is a prudent one, unless an honest man buys the goods.

Q. Can you not make collusion and fraud in contracts just as well as you can in open market? A. Certainly.

Q. Then what is the difference; of course all these things are predicated upon the idea that gentlemen, and all others that are in official positions, are honest; I want to know whether, every thing being honest and equal, you can conduct a public institution of this kind, as far as furnishing supplies of meat and milk and every thing else is concerned, whether you cannot conduct it better upon the open market system than you can upon the contract system, you having the supervisory power; if you buy in open market a certain quantity of meat, and it is not what you want, you can return it, can you not? A. Certainly.

Q. Which is the most economical for the state, the open market system or the contract system? A. I think for articles like meat and milk, as I before said, the contract system is the best; I think for the others, the open market is best.

Q. Then you make a distinction? A. I do, from experience in the market, and from the results of that experience.

Q. Have you ever had any experience in buying meat and milk for this institution in open market? A. No, sir; but I have had experience in other institutions besides this in regard to buying it in that way.

Q. What other institutions? A. The Albany county penitentiary, the Illinois state penitentiary and the Connecticut state prison.

Q. Did they buy there in the open market? A. At times.

Q. How do they buy now? A. I cannot tell you, sir.

By Mr. WAEHNER:

Q. In relation to the item of flour; that was a very large item during the year, was it not? A. Yes, sir.

Q. What did you have to do in regard to the purchase of that? A. I would have to buy it.

Q. Didn't Mr. King, while he was purchasing agent, make purchases of flour? A. He did.

Q. Did you have occasion to examine into the quality of the flour? A. Yes, sir.

Q. What do you say about the price charged as compared with the goods furnished? A. I think the flour was very good; we had to keep our bread up to a certain standard.

Q. Do you think the price charged was large for the quality furnished? A. I don't think in the matter of flour there was such a noticeable difference as there was in regard to other articles.

Q. Can you state from recollection what was the price paid for flour per barrel? A. I could not; it varied very much; sometimes $7.00 a barrel, and again up to $8.00, and $9.00, and $10.00.

Q. Do you know whether Mr. King bought by contract, or what mode he adopted? A. He bought in the open market.

Q. And in what quanties? A. From 200 to 300 and 400 barrels at a time.

Q. When you became the purchasing agent, did you adopt that same system? A. Substantially; yes, sir.

Q. Did you favor any particular firm in the purchase of flour? A. No, sir.

Q. Was it your custom to buy of different parties? A. Yes, sir; certainly.

Q. Did you, or did you not, finally concentrate upon purchasing from one party? A. No, sir.

Q. Now, in relation to the item of coal; from May, 1873, when the present board came into power, up to the time you resigned, who did the purchasing of coal? A. I bought it, with the exception of the time Mr. King was in the employ of the commission.

Q. When did Mr. King leave the commission? A. Mr. King was appointed, I think, in the spring of 1870, and remained up to the time of the investigation, of which you have a record in that book.

Q. That was in 1873? A. Yes, sir.

Q. I limit my inquiry from the incoming of the present board, May, 1873, to the time you resigned? A. That was only six months.

Q. And Mr. King was not connected with the board at that time? A. No, sir.

Q. What system did you adopt then for the purchase of the coal? A. There was only one purchase of coal made during that time, and that purchase was made by myself in connection with Commissioner Forrest.

Q. Of whom was that coal purchased? A. Of the Delaware & Lackawanna Coal Co.

Q. Was there any thing in the way of bids invited? A. Not at all.

Q. Did you make any inquiry at different places to ascertain the prices of coal before purchasing of this company? A. None, sir; I shall have to explain that the coal for several years previous to that had been bought of the Delaware & Lackawanna Coal Co. in open market at auction.

Q. Was this coal purchased at auction? A. It was not, because it was ordered at a time when there was no public sale, but the price was charged to the commissioners at the price of the succeeding sale; that was the arrangement entered into with Mr. Holden, the agent of that company.

Q. When was the coal contracted for? A. I cannot give you the date; it was sometime during the summer of 1873.

Q. And the arrangement was that the price to be paid was that which should be obtained at the next public sale of the coal of this company? A. Yes, sir.

Q. Could you not make a contract or an arrangement with the companies to deliver it at the price at which coal was then in the market at the time of the contract? A. I am not sure but what we bought at the price of the preceding sale; I won't be positive; I think Mr. Holden charged us the price at the preceding sale; that company had been for years previous furnishing us coal, and we considered them a very reliable company, and we considered purchasing at the public sales gave us equal facilities with all the steamship companies.

Q. Had you any mode of ascertaining whether the weight of the coal was correct? A. We took it at the weight of the company.

Q. You had no way of verifying it? A. No way except taking our bills of lading, except this, I took the precaution to go to parties who had bought coal of them, and who weighed their coal, and inquired whether their cargoes usually held out, and were informed that they did, and usually ran over.

Q. Can you tell us now what the price per ton was that you paid in 1873? A. I could not, but the reports of the commissioners for that year will show.

Q. Did you regard it as a low price? A. I did.

By Mr. VOSBURGH:

Q. You say you never weighed the coal; do you think that was a judicious way of receiving goods? A. Not in general, no, sir.

Q. Do you think it was a judicious way of receiving coal? A. From an honorable company like that, who brought the coal in their own barges, weighed from their own cars, I should say it was judicious if you didn't have a pair of scales to weigh it on; but if it was bought from outside parties, and in boats that were liable to be short, I don't think it would.

Q. According to Mr. Stephenson, yesterday, he said the second cargo of coal more than paid for the price of the scales that were put in. A. I don't think that coal was bought from the Delaware & Lackawanna Coal Co.

By Mr. WAEHNER:

Q. Those scales were put there after you left? A. I have no knowledge of it; the coal was received at the island for years without being weighed, and I took occasion, when buying coal, to investigate the character of the company for delivering full cargoes, and I went to parties who had weighed their cargoes, and they told me it was perfectly safe.

By Mr. ALVORD:

Q. Where was this coal put on their barges? A. At their own dock at Elizabethport.

Q. Did it come directly to you? A. Yes, sir; in their own barges; we made the arrangement with the company when we bought coal that we should receive it in their barges.

By Mr. WAEHNER:

Q. Whilst you were acting as superintendent, you had occasion, of course, to observe whether the clerical force on the island was large, or whether it was absolutely necessary to carry on the operations of the commission successfully, I suppose; in your judgment, from 1870 to 1873, was the force employed too large for the purposes? A. At times.

Q. Do you know whether the commissioners made any reduction of the force in 1870? A. I do not; I think they increased it.

Q. In your judgment, was that increase necessary and wise? A. Not in all cases.

Q. In 1871? A. I think there was a steady increase in the pay-roll from 1870 to 1873.

By Mr. VOSBURGH:

Q. Were you consulted in those increases? A. Oh, not always; no, sir.

By Mr. WAEHNER:

Q. Was that increase necessary, in your judgment? A. Not in all cases.

Q. In 1872? A. Was that the time this new board was appointed?

Q. No; that was in May, 1873. A. As I stated, I think there was a steady increase in the clerical force and in the pay-roll up to the time of the new commission coming in.

By Mr. VOSBURGH:

Q. You say you were not consulted in those additional appointments? A. Not in all cases, no, sir.

Q. As superintendent of the island, don't you think that you would be the proper judge to know whether it would be necessary to have any increase, or not? A. Yes, sir.

Q. And still you were not consulted? A. No, sir.

Q. And parties were sent there to do certain work by the commissioners? A. Yes, sir.

Q. When it was not necessary? A. Not in all cases; no, sir.

By Mr. WAEHNER:

Q. Did any persons during the time that you were superintendent on the island, hold what are known as sinecure places, where they would have nothing to do but to come over by way of an excursion to the island and draw their pay? A. Well, I think there were parties that came pretty near that.

Q. Were there many of them? A. No, sir.

Q. Can you name any persons, or give the offices of any persons who held such places? A. I don't recollect the name; I know there was one position so called, there was a position at the New York side of the island called a superintendent or assistant superin-

tendent of the labor exchange, which I think, was a sort of sinecure, so considered.

Q. Do you know what the salary of his office was? A. I am not positive; I think $50 or $60 a month.

Q. Were there any others? A. Not that I recall just now.

Q. But your impression is that there were several? A. Not several that were strictly sinecures; perhaps none but this one that I considered a strictly sinecure place; I stated there were officers appointed there at times that I thought were unnecessary.

Q. You mean, in other words, that one person might have done the work of half a dozen, perhaps? A. Not as many as that, but two or three, or, in other words, what I mean to say is that there was a general desire or disposition manifested to increase the pay-roll there.

By Mr. ALVORD:

Q. Increase the pay-roll by increasing officers, or increase it by increasing salaries? A. Salaries and officers both.

By Mr. WAEHNER:

Q. Salaries were increased while you were there? A. Yes, sir; my salary was increased $500.

By Mr. VOSBURGH:

Q. You didn't object? A. I didn't know it until it took place.

By Mr. GEDNEY:

Q. What was your salary before that increase? A. Twenty-five hundred dollars.

By Mr. WAEHNER:

Q. And it was increased to $3,000? A Yes, sir.

Q. While you were superintendent on the island you had occasion to watch the construction of the different buildings there? A. I had.

Q. Can you speak with any degree of practical knowledge, or intelligence, in regard to the mode of constructiug those buildings; have you any practical experience so as to be able to say whether the construction was bad? A. I am not a practical builder, but the most of my life I have been on public buildings that required some little knowledge of building.

Q. This lunatic asylum was put up while Mr. King was there? A. It was.

Q. What should you say of the construction of that building? A. I should say it was faulty indeed.

Q. In what respect? A. Faulty in conception, and faulty in construction.

Q. Do you mean by that, that as far as the conception of the building was concerned, the plan was an improper one? A. It would take some time to give you a history of that lunatic asylum, because it was a miserable affair.

Q. Give us what you know in relation to it, and your opinion as far as as the construction and plan of it was concerned? A. The plan of it, as laid out by Mr. O'Neil, was to build a building for $100,000; the commissioners dug out a cellar for the building on plans — the original plans of Mr. O'Neil, the first plans he drew, provided simply for an excavation of the cellar; the cellar was dug out, and then he went on and gave the elevations and cost, and they were so disgusted with his plans and elevations, and the cost of the thing, that they ordered the cellar to be filled up; it took me all winter to do that; they then adopted a plan to build over the spot where the cellar was excavated, and the loose stuff had to be taken out to get the walls to a solid foundation they had started to build a one-story building, and after getting it up one story they decided to build it two stories, and so it went on.

Q. Was the second story put on after the first had been roofed in? A. No, sir; but they made preparations to build the gable end up.

Q. Had they proceeded to any great extent in the gable work? A. No, sir; it didn't involve any particular loss of material or time, but it simply showed the vacillation and hesitancy in the construction of the building; in fact the commissioners were all disgusted with it; there is not one of them but will testify, as I do, that it was a perfect abortion all through.

By Mr. GEDNEY:

Q. Who made the second plans? A. Mr. O'Neil drew the first plan, and it was rejected; I should correct myself; the first plan that was drawn was drawn by Mr. Piper, a man who erected the Roosevelt Hospital and other buildings here; those plans were thrown one side in 1870, and Mr. O'Neil was selected to draw the plans, and his plans were thrown aside, and then a German at

Ward's Island, an inmate, was directed by one of the commissioners to make plans of the style of a simple pavilion building, which were adopted by the commissioners; they were first to be built of wood, with a sort of Swiss roof; they had decided to make a brick building, and started to build the building one story high, and when they got it up one story, it looked more like a freight depot than a lunatic asylum, and they built it up.

Q. Would that wooden building have answered all the purposes? A. Yes, sir; if the plans had been followed out they could have put up a building that would have lasted ten or fifteen years, and have answered all purposes, and it was so decided by the commissioners, similar to the one erected on Blackwell's Island.

Q. The plan suggested by the commissioners was a wooden building? A. Yes, sir.

Q. And they did adopt similar plans for other institutions on Blackwell's Island? A. Yes, sir; the ones at Blackwell's Island are similar to the one they proposed to erect there.

Q. In your judgment, from the experience you have had in the public institutions which you have stated, you deem a building of that kind ample and sufficient for all practical purposes? A. I deem such buildings for all public hospitals far better than expensive ones.

Q. This was a lunatic asylum and not a hospital? A. It is called a hospital; it would have answerd for the commission for several years at all events.

Q. And would, of course, have been far less expensive than a brick building? A. Yes, sir.

By Mr. GEDNEY:

Q. At whose suggestion was it changed to brick? A. I cannot tell.

Q. Who was the architect and superintendent? A. There was no particular superintendent; John T. Conover was the first builder.

By Mr. WAEHNER:

Q. When you were on the island the sea-wall contract was made by the commissioners? A. Yes, sir.

Q. The erection of some sea-wall? A. Including the lower end of the island.

Q. Did you have any occasion while superintendent, to watch the

progress of the construction of that work? A. Yes, sir; there was not a day that I was not on it during its construction.

Q. What would you say in regard to the doing of that work? A. The first part of the work was badly done; they first attempted to land the stones from the barge at high tide, on the shore side of the wall, and then constructing the wall from the shore side by rolling stone out on planks; the result was very unsatisfactory, indeed; the wall was badly built, and I objected very strongly to its being built in that way, and consulted, I think, Commissioner Husted, as he was chairman of the committee on building; the result was, that Mr. Hearne was appointed superintendent, and the balance of the sea-wall was built by bringing barges on the outside, and landing the stone on the wall by derricks; I think after that plan was adopted the wall was very well built.

Q. You think the wall as built subsequently was very well built? A. Yes, sir

Q. Was there any thing done to correct the mistake, as far as the building of the first portion of the work was concerned? A. No, sir.

Q. And the wall is in the same condition to-day? A. It is only a short piece of about twenty-five or thirty feet.

Q. Do you know what the contract price was for the building of that wall? A. I presume I did at the time.

Q. The price was 63 cents per cubic foot; in your judgment was that a large price or a reasonable price? A. I am not an expert, and could not answer.

Q. In relation to the construction of that Catholic chapel upon the island, did you watch the progress of that work? A. Yes, sir.

Q. In what manner was the work done there? A. Very well.

Q. Very well done? A. I think it is one of the best buildings on the island.

Q. The price charged for that was about $34,000? A. Between $34,000 and $35,000.

Q. In your judgment would that be a reasonable price for it? A. I think so; I know the contractors complained, and said they lost money.

By Mr. Vosburgh:

Q. Was there any necessity for a building of that kind? A. There was a necessity to give the Catholics better accommodations to worship than they had, but as to the necessity of building so expensive a building, that is a matter of argument.

By Mr. WAEHNER:

Q. The Catholics had a place of worship. A. Yes, sir.

Q. Why was that abandoned? A. Because so large a number frequented it that I considered it unsafe for them to frequent it; it was on the top floor of the nursery building, an old wooden building, and the walls began to spread, and were some six inches out of line on the top; I had iron bolts put on it to strengthen it.

Q. During the time you were on the island did you know of any religious strife existing between the inmates, or any disagreements existing between the present board of commissioners or the former board of commissioners in relation to religious questions? A. The only religious strife I know of was manufactured by a *Herald* reporter who came up there and wrote a long article representing the island was prepared for a war almost.

Q. But in your conversation and intercourse with the inmates did you ever hear of any ill-feeling upon any religious question existing between them? A. No, sir, there was no disposition to quarrel over religious matters; of course the Catholic priest was earnest and zealous in behalf of his people, and so was the Protestant pastor.

Q. Do you know of any disagreement existing, either personally or outside of religious difference of opinion, between the Catholic priest and the minister there? A. Not that I know of; they may have had some personal feeling on matters connected with their duties in the wards, but I was not aware of it; temporary, perhaps.

Q. You say that, as far as your knowledge is derived from being there and watching the operation of matters and conversing with emigrants, etc., there was no religious difference on the island—nothing of a strife? A. There was no strife at all; that is to say, if what you mean by strife was actual partizanship in the shape of blows or hard words; I knew nothing of any thing of that kind; at the time this article was written, I considered it a very wrong thing, and so expressed myself to the commissioners, to hold out the idea that there was any such feeling; there had been a feeling about the erection of this chapel, and there was a desire on the part of the Protestant chaplain to occupy it, but I thought it was the duty of the commissioners, at the proper time, to settle that matter, and they would suit themselves.

Q. Did you ever hear of this case of spiriting a child away? A. Yes, sir.

Q. What was that case? A. Well, I could not, perhaps, relate

it any better than Commissioner Stephenson did; he gave you a history of the case about as I would.

Q. He gave a correct statement in relation to that matter? A. He did.

Q. Was there any objection made at any time, to your knowledge, or were you informed from any source by the Catholic priest of permitting services of the Protestants to be carried on in that chapel? A. Please ask that question again.

Q. Have you ever been informed from any source, or have you any knowledge of any objection being made by the Catholic priest to the Protestants carrying on their peculiar service in the Catholic chapel? A. I think I was informed by Commissioner Stephenson at the time that the priest did object to the Protestant chaplain using their building.

Q. But you never heard from any other source that there was any objection? A. I don't think I did.

By Mr. Vosburgh:

Q. Didn't you think the Protestants had an equal right to the use of that building with the Catholics?

A. If the board gave it to them, I thought it was a matter for the board to decide; it was my province as superintendent, to show no partizanship, which I always attempted to do; I knew there were Protestants and Catholics on the island, and it was my duty to give them all the facilities I could for the observance of their religious duties.

By Mr. Waehner:

Q, What proportion of the inmates on the island did the Catholics bear to the Protestants? A. I think while the Protestants were worshipping from 100 to 200 in their church, the Catholics would have 1,000; the Protestants all don't go to church as regular as the Catholics, but the percentage of Catholics at all times was greater than that of the Protestants.

Q. Would you regard the accommodations afforded the Protestants on the island as sufficient? A. At what time?

Q. At that time while you were superintendent? A. Generally, yes, sir; there have been times when the building was very much crowded, when the room was crowded; but that was only a short time in mid-winter.

Q. Generally you regarded the accommodations there as sufficient for the purposes of religious worship? A. Certainly.

Q. You, of course, have considerable experience and knowledge in public institutions, and large experience in this institution; would you suggest any reforms or changes which the legislature should make, as far as conducting the business of it is concerned — any ideas that have occurred to you, during your experience as superintendent, of any necessary changes that should be made to make the institution better, or to reform any abuses, if any exist, or make it more economical? A. I want to say, first, that having served under four different boards of commissioners, I have been acquainted with a good many men connected with those boards, and I don't know of a single individual case that I could mention but what I believe the gentlemen composing those boards to be men of the highest integrity, who fulfilled their duties to the best of their ability; all of them gentlemen with whom I have had pleasant personal associations and relations, but the trouble has been with every board that it has been too unwieldy, it has been a machine that has been hard to move; there have been times when there were thirteen members of the board, including the *ex officios*, and with the different elements composing the board, it has been very hard to harmonize matters, and when there has been a want of harmony in the board there has been a want of harmony at Castle Garden and at Ward's Island, and when the commissioners were formed in cliques and rings, there were cliques and rings on Ward's Island and at Castle Garden, and when the commission met to effect any object there has been pulling and log-rolling, and the result has been that the commissioners could not effectually provide for the improvements and reforms which they designed and desired.

Q. Do you mean by that that there was any thing in the nature of political difference of opinion which occasioned the forming of cliques and rings, and as the commissioners were democratic or republican the employees would be of that particular party to which the commissioners belonged? A. Never, until 1870; previous to that, I don't think the commissioners knew the politics of a man they appointed; I know they didn't mine.

Q. Do you say, since 1870, this political feeling has entered into the operation of the board? A. It is apparent to me there has been more or less political feeling, and when I say that, I say the political element in our board at times compelled the commissioners

to do what in their judgment they thought was not right; or, in other words, political influence outside compelled them to appoint men that were not needed, and whom they would be glad to get rid of; that I can state from positive knowledge, that is, that influences and pressures were brought to bear upon the board the very moment there was a political feeling brought in.

Q. Did you ever know of any cases, or any case, where a person was removed when a person acquired a peculiar knowledge in the particular institution simply from political reasons to make room for a political appointee? A. There were not so many of those removals made at Ward's Island, as there were at Castle Garden, from the reason that the positions at Ward's Island were not desirable; there were one hundred positions on Ward's Island, and about sixty of them were not desirable; I should say sixty of them were filled by parties where the position was not desirable to have, and that there were very few places on Ward's Island that had a salary sufficient to induce people to look for them; yes, I think I have known of removals and appointments being made simply for political purposes; I think so; I don't know positively; of course I know political appointments have been made on suggestions and by pressure from outside organizations.

By Mr. VOSBURGH:

Q. At whose suggestion? A. Outside political organizations, I cannot give you the name; individuals have been appointed by the commissioners at the suggestion and by pressure from outside political organizations.

By Mr. WAEHNER:

Q. It was asserted sometime ago in some of the newspapers, I think, when the present commissioners came into office, that certain parties on Ward's Island were removed for political reasons, and others not so politically qualified to discharge the duties appointed in their place; have you heard of any such change as that? A. I have not; no, sir.

Q. Do you know whether there was any foundation for it? A. I do not.

Q. Do you know whether there were any changes in the positions on Ward's Island immediately upon the incoming of the present board? A. There was a surgeon dismissed shortly after the board came in power.

Q. Any others? A. I think the physician of the lunatic asylum.

Q. Any others? A. I think not; there might have been subsequent to my leaving; that was during the six months that I was in the employ of the present board; I don't think a doctor was ever removed for political reasons.

Q. Well, now, pursuing the inquiry that I made awhile ago, can you suggest any reforms or changes which should be made which might better the institution — its working? A. The trouble has been with the institution at Ward's Island for several years that the commissioners have had to take charge of a large number of so-called destitute men during the winter season, sometimes running up as high as from 1,000 to 1,200 men, who have come there miserably clad, and who have had to be clothed and fed and lodged through the winter at the expense of the board.

Q. What suggestion would you make to remedy that? A. The suggestion that I made to the commissioners in my report to them, in 1868, that they be kept away, which I see the present board are doing very effectually, so in that respect I don't know that I can suggest any improvement except that which is contained in my report of 1868 and 1869, and that policy I understand is now being adopted; the commissioners of the present board do not allow those bummers; they come from all parts of the country, and even as far as Omaha, and get into New York and gamble away their money the second night they are here, and then come to Castle Garden and make application to come to Ward's Island.

Q. You would probably make a suggestion of this character, that after an emigrant left the state he should no longer claim the protection of the commissioners of emigration? A. Unless he was sick; I speak of that part of the island comprised in the refuge department.

Q. If he was an able-bodied man and left the state, you would suggest a change in the law prohibiting them from receiving him in the institution at all? A. Yes, sir; in that respect I don't know that the commissioners could do any better than they are doing; if they follow that up they will very soon be relieved of a very considerable portion of their expense on Ward's Island; in regard to the construction of the board, it has been too large for efficient working.

Q. What would you say to a salaried commission? A. I was going to suggest further that you could not expect gentlemen to devote their entire time to an honorary position which requires

their attention — you cannot expect that they will devote their entire time to it without pay for their services.

Q. You think a salaried commission would be more effectual than one acting from motives of benevolence? A. If it is made small enough.

Q. What size of commission would you suggest as being an efficient one? A. I should say one man could do as well as any other number; but I should say three could do it.

Q. Comparing the institution with the commission of charities and corrections in the city of New York? A. Yes, sir.

Q. You think that a commission works sufficiently well with a board constituted in that way? A. I don't think there is a commissioner who has been on the board for the last twelve years that feels he has given his time to the state without fee or reward, and whenever there has been trouble he has been brought up for investigation, and he has had to submit to annoyances; I think they felt at times that they were not properly appreciated.

Mr. ALVORD — They work for nothing, and they have no right to be abused?

The WITNESS — Yes, sir, they work for nothing, and, as Mr. Nicholson said once, they get more kicks than half-pence.

By Mr. WAEHNER:

Q. Mr. Stephenson said yesterday there was considerable demoralization in the board: do you know, during the time you were connected with the board, whether any such demoralization existed, and if there did, what caused it, or any want of harmony in the commissioners? A. I simply know from what I was told; I was not present at any meeting of the board after their organization, I believe, except one.

Q. Had you any conversation with any of the commissioners when this matter was broached? A. A commissioner once told me there was little or no harmony in the board.

Q. Who was that commissioner? A. Mr. Forrest.

Q. Did he give any cause or reason for it? A. He did not.

Q. Were you ever informed that the want of harmony existing in the board was owing to any religious differences? A. I have been told that was an element in the want of harmony.

Q. Was there any thing else that operated to mar the harmony of the working of the commission? A. I cannot speak from personal knowledge.

Q. Were you present yesterday when Mr. Stephenson was examined? A. I was.

Q. You recollect Mr. Stephenson's testimony in relation to the manner in which the committees worked; that individual members of the committees, not acting in concert as a committee, would assume the responsibility of sending men to Ward's Island, and they discharging them, and that another commissioner would assume the responsibility of revoking the action of such commissioner? A. I heard it, sir.

Q. Do you think that that was a cause or an element to destroy the harmony of the working of the board? A. It was an element to destroy the harmony and effectual working of the institution, of course, because you cannot introduce any such arrangement as that without demoralizing any public institution; if the inmates can be dismissed by one commissioner, and restored by another, there is a feeling at once on their part, that all they have to do is to go to another commissioner and be restored to the island.

Q. Your opinion then, is, that commissioners exercising powers of that kind should act in concert? A. I should recommend that the chairman of the proper committees be the person to give directions in regard to the running of the institution.

Q. Either in that way, or the committee should act together? A. Yes, sir.

Q. And that no one commissioner should exercise power of this character? A. Yes, sir.

Q. Unless assented to of course, by his fellow-commissioners; whilst you were connected with this board did you have, or have you information now that you can give to the committee generally, as to the commutation-moneys that have been charged, or your opinion whether the price of commutation had any thing at all to do with the increase or decrease of emigration at this port? A. I don't think it enters into the matter all; I think the emigrants, a majority of them, know nothing about the head-money; they pay it in such a way that they don't know they do pay any money, and that the causes which affect emigration are foreign to the increase or decrease of the head-money at all.

Q. Such as stagnation or prosperity of business? A. The prosperity of the country, and the money which emigrants send from the west to their friends brings them out here whether the head-money is $1.50 or $2.50.

By Mr. ALVORD:

Q. You were here yesterday? A. Yes, sir.

Q. Do you recollect a statement made, that in reality the price, within five per cent, is the same all over the country whether they come to Boston, Philadelphia or any other port by a sort of an

arrangement between the companies? A. I don't recollect any such testimony; I didn't hear that testimony.

By Mr. WAEHNER:

Q. Have you ever had occasion to examine the question as to the condition of emigrants upon arriving at this port — what their moneyed condition is, as a general thing? A. No, sir; that has not come within my province; I have understood, however, that the average gives them a very handsome sum each.

Q. That is the average that was made? A. That is averaging it up among the entire emigrants that arrive, it would be a very handsome sum.

Q. Can you think of any other matter that you would suggest to reform any abuses that exist, or that have existed in the past, that may possibly arise so far as the commission of emigration is concerned, either in the arrangement of the offices, so far as the employees are concerned, or as consolidating any of its departments so far as the purchasing of supplies are concerned, so far as the law may be concerned with relation to the care of emigrants? A. The condition of the department now is such that, of course, it can be run with a very small number of employees; but if emigration should increase, as it was during the years 1869 and 1870 and 1871, there would have to be a corresponding increase in the force of clerks, and of course that is a matter that the board must determine themselves; I don't see but what they are reduced to a pretty low working force now; it seems to me in the matter of employees and salaries that they have cut the thing down to a very fine point; I understand they are paying my successor at Ward's Island $1,200 a year, and make him take care of himself; he cannot make much out of that.

Q. Your opinion is the salaries of the employees at the present time of the commissioners of emigration are reduced to as low a figure as the practical working of the concern will permit? A. At Ward's Island, from information I have received, I should judge they are working that very economically at the present time.

Q. So far as the help in the hospital and on Ward's Island is concerned, is that of such a character that permits reduction in case of the decrease of emigration in any one year, or is that help required to be kept on continually in anticipation of an increase of emigration? A. I shall explain that matter to you by saying there were about thirty different wards at the time I left the island, comprising the different medical departments, and it had been the custom of the physicians to classify the diseases of nationalties; for instance, placing every patient of the German nationality in a ward by themselves, and the Irish by themselves; that was done to prevent quarreling and ill-feeling; of

course, they could be consolidated, as far as that is concerned, but there are cases where it is best not to consolidate ; for instance, in cases of contagious diseases or in the lying-in department ; therefore, because a ward only contains half a dozen patients, it is not desirable to consolidate it with another ; and, emigration increasing very rapidly, it is not right to decrease the working force in the ward ; it is better to keep a sufficient working force and a sufficient number of wards ready for the emigrants, and I would not recommend them to cut off very many of those positions.

Q. You heard the testimony yesterday of Mr. Stephenson in relation to the consolidation of some of the wards? A. I don't think I did.

Q. He testified yesterday that he recommended the commissioners of emigration to consolidate certain wards so as to save the expense of physicians and nurses? A. I don't know how much he would consolidate, but, if upon consolidation they designed to close up wards that were necessary to be kept open for the reception of acute cases of disease that might be brought into the harbor during the summer, I think it was wrong ; but if they should close up the surgical wards, where there were half a dozen patients in a room where they could be all accommodated in one, I think it would be correct.

Q. But further than that you would not recommend any consolidation, as far as the wards are concerned? A. No, sir ; I would not.

By Mr. ALVORD :

Q. Now, in reference to this amount of money which was put into that Catholic chapel — I don't speak of it as a Catholic institution or as a Protestant institution — what is your opinion in regard to the amount that was absolutely necessary for a fair accommodation for religious purposes as contrasted with what was absolutely expended? A. Well, a plain building that would have held one thousand people, say, without ornamentation of roof or spire, or any thing of that kind, would have been just as comfortable as the one they have erected.

Q. What could it have been built for? A. I should say half what the present one was built for.

Q. Half what the present one was built for? A. I should think so.

By Mr. VOSBURGH :

Q. And it would have answered all the purposes? A. I think it would, as far as the comfort of the inmates was concerned.

By Mr. ALVORD :

Q. I understand from the examination here yesterday that the Lutheran was the prevailing Protestant denomination, and the Catholic the other ; ought there to be any very great difference in the expense

of the two? A. Not if the two were to be constructed alike, that is, at the same time, but there was to be a new chapel erected for the use the inmates, the old one having been decided to be unsafe; a decision was made by the commission to erect one.

Q. That chapel which was decided to be unsafe had been absolutely appropriated and set apart for those who believe in the Catholic religion? A. It had been used by the Catholics for several years; the Catholics had had the use of it for several years.

Q. You think the present accommodation for the Protestants, as far as they are concerned, is sufficiently good? A. Certainly.

Q. What would you consider the actual value of that? A. It is hard to estimate; it is a plain building, with two stories, with an ordinary pitch roof, and the lower part has been used for a hospital ward and a surgical ward, and has been used for a room for the boys.

Q. What is the actual value of it? A. It is hard to estimate the value of that room, because it is combined with the rest of the building; I should say the whole building would cost $8,000 to $10,000.

Q. What would be the value of the part they do use? A. Do you mean what the rental would be.

Q. Yes, sir, as much as they use? A. For chapel purpose.

Q. Yes? A. It is hard to tell; I could not tell, because located as it is on an island it is hard to tell the value of any thing.

Q. Would ten per cent on half of the building pay for it? A. I should say so, or five per cent of the whole.

Q. You talked a little while ago about the one-man power; where he is directly responsible, and the power of removal in hands who are competent to judge, don't you believe that the commission would be better unified than triangular; in other words, the commission to be one instead of three? A. Then there is this point to be thought of, that there is a great expenditure of money in this commission; who would audit the bills—the one man.

Q. All your bills are subject to revision at the comptroller's office, are they not? A. I guess not; I don't think the comptroller ever saw one of them; I think they go on file in the treasurer's office, and remain there.

Q. Who audits the bills now in case of the three? A. There should be three men, and one would be a check on the others — president, secretary and treasurer, at least; my idea is that---

Q. I will put it in another way; suppose you make an executive officer — a commission of an executive officer, and another commissioner who is simply an auditing officer, and another one who would be treasurer; would not that be sufficient? A. Certainly.

Q. Putting the whole power and control of the executive portion

of the department in one individual, don't you think that would be better than the three? A. As far as they chose among themselves.

Q. I am talking about dividing the responsibility? A. Yes, sir; I believe as much as you can in reducing the responsibility, and putting the power into as few hands as possible.

Q. You mean increase the responsibility? A. Increased responsibility in the hands of as few people as possible; I always believed the success of Ward's Island was in giving the superintendent as much power as he has.

Q. Don't you believe if one commissioner had charge of Ward's Island, and was responsible for it, and one commissioner had charge of Castle Garden, and was responsible for that, and a third commissioner having charge of the position of superintendent, don't you think it would be better than now? A. No; I think it would be better to have a commission of three men.

Q. You think three would be better than one? A. Yes, sir.

By Mr. VOSBURGH:

Q. You are familiar with the Albany penitentiary, are you not? A. Yes, sir; I was brought up there.

Q. That has always been run by one head, has it not? A. Yes, sir; but there have been three inspectors.

Q. But has not Mr. Pillsbury always had the full control? A. Yes, sir.

Q. Every thing was left to him? A. Yes, sir.

Q. That institution was a most exceptional one, was it not? A. Yes, sir; the model institution of the country.

Q. And has always yielded a large income to the county? A. Yes, sir.

By Mr. ALVORD:

Q. Now, would not one commissioner, with checks and balances outside, by way of inspection of his accounts and all that sort of thing be better than three? A. Yes, sir; if they make him an executive officer, and have parties to audit his bills; there are three inspectors in the Albany penitentiary who meet quarterly and audit those bills

Q. I am talking about the executive branch of the business; is it not better for this concern to have one single individual run the whole thing, than three, or four, or five, or six, or seven, or eight, or nine, or ten, or eleven? A. I think so.

Q. Giving a limited responsibility to one party, and have a party outside by way of inspector, or otherwise, to examine his financial accounts to see they are correct? A. I don't know how it would do

to give one man the care of Ward's Island and Castle Garden, because when I was there I was always quarreling with them on and off.

Q. Would not one man here, to keep those two superintendents from quarreling, be a better way? A. Yes, sir; if he knew his business.

Q. In that connection, and as a part and parcel of that inquiry, do you or do you not believe that outside of the present gentlemen who occupy the position, as a general proposition, that the attempt to permit nationalities in any way in this matter of emigration to appear through those nationalities as concentrated in the representation of their various national societies is rather an injury than a benefit to a fair, honest, straightforward administration of emigration affairs? A. I don't mean to say but what the gentlemen can be thoroughly honest, and attempt to do their work honestly; the principle of the thing, I think, is bad; I think it is impossible for a man to so entirely set aside his nationality but what he has a little prejudice in favor of his own people, and, when matters come up for discussion, in regard to the necessities of the institution, that he is always apt to favor his own nationality a little; he cannot help it, because the pressure is so great on him from the outside.

Q. In other words, do you not believe that the administration of the affairs of the emigration commission should be secular, and not narrowed down either religiously or by nationality? A. I think the moment an emigrant lands in New York he ought to think he is an American citizen, or going to become one.

Q. That it should be secular rather than divided up by religious ideas or views? A. Certainly, those are always disturbing elements, and to a certain extent, as I have said, have disturbed the harmony of this board.

Q. Do you believe it would be for the interest of the State of New York to abolish this commission, and permit emigration to take care of itself, the same as every thing else? A. No, sir; I think the commission of emigration has been one of the best institutions New York ever had; working in a quiet way for the emigrant, I think they have done a vast amount of good.

Q. Do you think it would be for the public interest that we should abolish the commission? A. No, sir.

Q. Do you believe that it ought to be self-sustaining? A. Do you mean with the price of the head-money as it is now?

Q. No, I am talking whether the head-money ought to be put where it would be self-sustaining under a fair administration? A. Yes, sir, I think it is a burden the state ought to relieve this commission from as quick as possible.

Q. The question is, whether emigration, by way of head-money, should not take care of itself rather than be a burden upon the state

treasury, and consequently upon the people of the state? A. Certainly, that is the foundation of the whole thing; they should not draw a cent from the state treasury.

Q. Do you believe the law ought to be altered, so as to require from the commission of emigration, which is simply the representative of the state, less duty to perform in regard to the emigrant than it now performs, and that is five years they have got to take care of them? A. Two years now.

Q. Two years now for able-bodied men, and outside of the state? A. Does not that two years include all hospital patients and all?

Q. No? A. I always recommended the change in the law, which you will see in the testimony there in previous reports of the board, that the term should be reduced from five to two years, because the trouble we have had at Ward's Island, the expense entailed upon this commission was, in a large proportion, the result of taking care of professional bummers and people who come here with the idea that all self-reliance was to be thrown away, and they were to place themselves under the care of the commissioners of emigration; I think two years is long enough; I think an emigrant that cannot provide for himself here in two years ought to go somewhere else.

Q. Have you looked at and examined the relation as it exists under the present law between the commissioners of emigration on the one side and the various counties of the state in the administration of their poor law? A. Do you mean to say by that, do I understand the responsibility of the present board in the payment of bills?

Q. The responsibility of the board of emigration? A. I know they have to provide for the support of emigrant poor at county institutions; yes, sir, I do.

Q. Have you any advice to give in regard to any alteration or change of that law? A. I should make it conform to the general law in relation to the time for which the commissioners of emigration should be compelled to support the emigrant; I would also make another suggestion, that the commissioners of emigration should be empowered to send a proper person to the county-houses to see that the paupers charged for in their bills were in the institution.

Q. Would that not, as a matter of dollars and cents, cost more than the support of them under ordinary circumstances, with very few exceptions, at the county poor-house? A. I know they always used to do it; I know Captain Pillsbury was sent to examine their bills, and Mr. Fagan was also sent, and they were obliged to verify the matter by the production of the men.

Q. Do you not believe that a law that would forbid the protection and care by any of the counties of this state of any other than those who were absolutely beyond any possibility of doubt, by disease or

otherwise, incapable of taking care of themselves, that a law of that kind by which they should be the only ones chargeable upon the emigration commissioners would be a good idea? A. Yes, sir; it would relieve the commissioners of emigration of a great burden, and relieve them of any complaint of collusion in regard to making a charge, because, if a person was sick, it would be very easy to get the doctor's certificate that he treated him, so the bills could be verified in that way.

Q. You take women and children, and they are absolutely helpless, and you take able-bodied men, my idea is that even such should either be admitted into a county poor-house, or paid for by the commissioners of emigration, no matter whether they come from abroad or home? A. The construction of the law under which this commission has been organized has been too liberal; they construed it that a destitute man is a man that has no money; I don't think that a man who comes from the canal and gambles away his coat and vest and stands in his pantaloons and shoes, although he may come to Castle Garden and if required to be admitted to Ward's Island, I don't think he is a destitute man; that if he is destitute he is destitute by his own act, and I don't think he ought to be admitted; the commissioners have had to support at Ward's Island droves of such men; I have known so many to be there that I have had to keep three and four policemen there to keep order; I have had men there attack me with clubs and stones; the institution partakes a little of the features of the alms-house and work-house, and they are at liberty to go and come as they please.

By Mr. ALVORD:

Q. Do you not believe there ought to be power, and is there not opportunity to compel the labor and services, for the benefit and aid of the commission and of the state, of all who are able-bodied who come here under the pretense that they cannot get work, in doing just such things as you wanted them to do? A. There is such power under the law.

Q. But do you put it in force? A. I am not there now.

Q. Is it put in force? A. It was at that time, and the result was a riot; the very effort to make those men work caused this riot; I meant to have brought the original document they addressed to me, announcing that as British subjects they had determined it was an act of oppression that caused them to labor; they convened their meeting in the barracks there in the large brick building, and sent the resolution to me, and I addressed the ring-leader and I was followed by a crowd of four hundred demanding that those men should be produced, and I refused, and they assaulted me with sticks and stones, and it was some time before I got police

enough to quell it; the fact of attempting to make them labor produced this trouble, and the fact of so many different nationalities; the trouble is liable to arise at any time; but the present board have done what no other board has done — they have kept those men away, and are entitled to great respect in that regard.

Q. When did they send them away? A. They didn't have many there last winter, and I don't think they had many the year before.

Q. I think there was fully as many in there last year as there were in any year, taking into consideration the emigration? A. I think not; my number ran up to 2,300 and 2,500: I have had 1,300 able-bodied men in the barracks; that is double the amount that is there now; there is very little work you can put these men to; there is very little grading, and what there is you cannot work it to advantage, it is of such a superficial character, and you have to spend three times the amount for clothing for them as their work would be worth; you cannot bring in mechanical pursuits, for the very moment you bring him in he throws his work down and says he wants his discharge; I attempted it once here in the city, to get parties to give me old rope to pick up into oakum, and they said no, they could get it done by machinery; there we were with the elephant on our hands, and we didn't know what to do with it.

Q. Your idea is that an able-bodied man you would not admit at all? A. I would not have him there at all; still, as Mr. Gedney remarked yesterday, the commissioners have always considered, under that law, that they were compelled to receive them; the commissioners have always considered that they could not refuse admittance to an able-bodied man if he wanted relief.

[Mr. WAEHNER read the following from the report of Mr. Welles, under date of January 1, 1869: "This class of men numbered last year 1,100, and now, at the close of the year, exceeds 600, with a prospect of fully equaling the number of last winter. It is impossible to properly furnish employment for them, as the severity of the weather prevents ordinary out-door work. Unless the return of better times should prospectively relieve us of this class of inmates, I would recommend that some provision be made to furnish employment for them during the winter months by erecting cheap buildings and obtaining work of a simple kind at which all could be employed."

By Mr. WAEHNER:

Q. Some of those men were employed on the sea-wall work? A. No, sir.

Q. I understood one of the witnesses testified to that? A. No, sir; the sea-wall was filled up in the rear by the inmates; the wall in front of our office was done under the superintendence of Mr. Hearne, by

the inmates; in the case of the Italians, several hundred Italians were landed here, utterly destitute, under false representations that they were to be taken to South America; they were landed here without friends, and without being able to speak the language, and without a dollar; I should not class those men under the head of able-bodied men; I think it was a case in which the commissioners exercised their humanity properly.

Q. You think some discretion should be left with the commissioners? A. I think it should be entirely so; I think they made it so last year.

By Mr. GEDNEY:

Q. The Albany penitentiary has been spoken of here as a model institution; in your experience and observation, how many General Pillsbury's have been discovered within the last thirty years in this country? A. There is a Mr. Pillsbury who is a brother of General Pillsbury, at Concord, New Hampshire, who is doing as well; he was a man of exceptional ability and skill in the management of public institutions.

Q. It has been suggested that one man take charge of this whole institution; my doctrine is that such a man could be found, and, if found, in your opinion would it require the attendance of that man continually at Ward's Island? A. There should be an executive officer at Ward's Island constantly.

Q. Should there be one at Castle Garden? A. Yes, sir.

Q. Then one man could not discharge the duties of both? A. As I understood Mr. Alvord, he was to have the supervisory charge of both, with an executive officer in each place: I don't believe a man in charge of Castle Garden should have supervision of Ward's Island.

Henry Haas called and sworn.

By Mr. WAEHNER:

Q. What is your occupation? A. I am cashier in Oelrich & Company's steamship office.

Q. How long have you been acting in that capacity? A. Since we got appointed as agents; since 1861, I think.

Q. Do you know anybody by the name of Michael Nolan? A. I guess I do.

Q. How long have you known him? A. Not before April or May, 1871.

Q. You think in the months of April and May, 1871, you, for the first time, made his acquaintance? A. I think so.

Q. Did you have any transactions with him? A. I had to pay him certain checks.

Q. Have you got those checks with you? A. Yes, sir; I have got some

Q. Be good enough to produce them.

[The witness produces the checks.]

Q. When was the first payment made? A. I suppose it was in the beginning of May; they are all numbered.

Q. The first one appears to be dated May 2; have you got a list prepared of them? A. Yes, sir. [Witness produces list.]

Q. The total amount is $13,840.50, paid by your line? A. Yes, sir.

[The paper produced by witness was marked "Exhibit No. 1, July 23, 1875," of which the following is a copy]:

"Deposited by Union Trust Co. in Manhattan Co.

"Checks drawn of Merchants' National Bank.

Date.	No. of check.	Amount.
May 2, 1871	9,431	$163 75
May 16, 1871	9,502	698 75
May 30, 1871	9,504	537 50
June 14, 1871	9,648	546 25
June 30, 1871	9,707	724 25
July 18, 1871	9,818	643 50
August 2, 1871	9,887	366 75
August 21, 1871	9,984	534 75
September 4, 1871	10,063	493 00
September 21, 1871	10,158	513 50
October 3, 1871	10,220	450 50
October 19, 1871	10,305	499 00
November 3, 1871	10,386	495 75
November 21, 1871	10,478	455 00
December 6, 1871	10,543	371 75
December 30, 1871	10,633	240 50
January 19, 1872	10,717	106 00
February 8, 1872	10,818	150 50
March 4, 1872	10,937	232 50
March 16, 1872	10,984	274 00
March 28, 1872	11,032	312 50
April 9, 1872	11,101	507 75
April 20, 1872	11,154	416 00
May 23, 1872	11,332	1,566 25
June 7, 1872	11,408	595 50
June 27, 1872	11,513	978 00
July 11, 1872	11,594	510 75
July 22, 1872	11,643	456 25
		$13,840 50

Q. This is the Bremen line? A. Yes, sir.

Q. Are all these checks payable to the order of Michael Nolan? A Yes, sir; they are all payable to the order of Michael Nolan.

[The checks produced by the witness are 28 in number. The first one was drawn the 2d of May, 1871, and the last one on the 22d of July, 1872, and the 28 are drawn between those two dates from time to time.]

Q. State the circumstances under which you gave this first check? A. Mr. Schwab introduced this Michael Nolan to me, and gave me instructions to pay over to him one-sixth of all the commutation or head-money — 25 cents a head — one-sixth of $1.50 head-money.

Q. Twenty-five cents for every emigrant? A. Yes, sir.

Q. Do you recollect any thing else that was said to you by Mr. Schwab at that time? A. No, sir.

Q. Did Mr. Schwab accompany Michael Nolan to the office, or did Michael Nolan come in the office and was then identified by Mr. Schwab? A. I don't recollect.

Q. State now, as nearly as you can, all the circumstances connected with the payment of that first check? A. That is all I can tell you; I think I recollect that Mr. Schwab came to my desk and introduced that gentleman to me, and gave me those instructions.

Q. Gave you the instruction to pay him, how often? A. As often as he called for it; there was no time specified; sometimes he came in one week, or three or four weeks.

Q. Would you be able to recognize Mr. Nolan if you saw him? A. Oh, yes, certainly I would.

Q. What kind of looking man was he? A. A light-complexioned man, with a mustache, as much as I recollect; he was about five feet four.

Q. Were your directions to pay him these moneys, or these checks, upon the arrival of each vessel, or after the arrival of each one of your vessels? A. Yes, sir; we paid the head-money ourselves, so that we knew the amount we had to pay on.

Q. How long did Mr. Schwab tell you to make these payments? A. I dont know whether he specified any time that time.

Q. Did he say something about a year? A. He might have.

Q. And at this conversation, when Mr. Nolan was introduced to you by Mr. Schwab, this was the first time you had ever seen Mr. Nolan? A. That was the first time, as far as my recollection goes; I might have seen the man without knowing who he was.

Q. Did you see any paper he had with him at that time? A. No, sir; I did not.

Q. Containing the signatures of other agents of steamship companies? A. I didn't see it.

Q. Was any thing said by Mr. Nolan, at that time, as to what that money was to be used for? A. No, sir.

Q. Was any thing said by Mr. Schwab, at that time, as to the use of that money? A. Not at that time.

Q. Well, at any other time? A. Mr. Schwab told me that this was for services rendered at Albany by this Michael Nolan in behalf of the reduction of the head-money.

Q. Did Mr. Schwab, at any time, state to you, or tell you, that this money was to be used for any other purpose than to pay Michael Nolan as counsel? A. Never.

Q. Did he ever tell you that this money was to be used generally to secure the passage of a bill reducing the head-money? A. No, sir; he told me that after the bill had been passed.

Q. He told you that the money had been used to secure the passage of such a bill? A. He didn't say that.

Q. What did he say? A. He didn't say any thing of that kind to me; he merely ordered me to pay this amount to Mr. Nolan, and I took it for granted it was for his services as a lawyer, or whatever capacity he was working in.

Q. Now, of course, you are on your oath to testify, but not with all that strictness that would be required in a court of law, and for that reason we may allow greater latitude; give us whatever information you received from any source as to the employment of Mr. Nolan, by whom he was employed, and what his particular business was? A. I don't know any thing about it; not the least.

Q. You received no information? A. None, whatever.

Q. From any source whatever? A. None, whatever; all the conversation I had had before was from Mr. Schwab introducing Mr. Nolan to me.

Q. Who signed those checks? A. Either Mr. Schwab or one of the other partners; I can tell by looking at the checks.

Q. Did you have any conversation with any of the other partners in relation to this matter? A. No, sir.

Q. Whenever Mr. Nolan presented himself, and Mr. Schwab was not in, did you take the check to the other partner? A. I generally used to have a number of blank checks.

Q. Did you have occasion to go to any of the other partners and ask them for their signature? A. If you give me the checks I will tell you who signed them, but they didn't know what they were for; they signed whatever I gave them; there were checks signed by all three partners.

Q. Do you recollect of any instance, when Mr. Schwab was not there, that you went to any of the other partners of this concern, and

asked them to sign this check? A. No, sir, I do not; I generally used to send the boy up to get it signed.

Q. Do you recollect having any conversation with any of the other partners of the concern, at any time, in relation to Mr. Nolan's business? A. No, sir.

Q. Were you ever spoken to by John G. Dale in relation to this matter? A. No, sir.

Q. Did Mr. Schwab, at any time, tell you he had employed Mr. Nolan? A. No, sir.

Q. Were you ever present acting in behalf of the firm of Oelrich & Co. at any meeting of the North Atlantic Steamship Traffic Conference? A. No, sir.

Q. Do you know of the existence of any such institution? A. I heard of it, and read it in the papers.

Q. Do you know that these amounts specified in the checks were in each case the exact amount according to the agreed percentage upon the number of arrivals by your vessels? A. Yes, sir.

Q. In each instance? A. Yes, sir.

Q. Was there, at any time, any check given by you, or by this firm, you acting for it, in advance of the arrival of any vessel, or in anticipation of any number of emigrants coming to this port? A. No, sir.

Q. Was Mr. Nolan at any time accompanied to your office by any other person? A. Not that I know of.

Q. Can you recollect? A. No, sir.

Q. Did Mr. Nolan personally, in each instance, call for these checks? A. As much as I can recollect; yes, sir, he did.

Q. Are you quite certain that nobody else came to the office to inquire for those checks, or to receive them? A. I am not; he might have sent for them.

Q. In which case did he send a written message, or a verbal message? A. A verbal message would have been sufficient.

Q. How would you have been able to identify the person who came with the verbal message? A. It didn't make any difference to me, because I gave the check to the order of Michael Nolan; I wanted the indorsement of Michael Nolan; that is all I wanted.

Q. Do you know his signature? A. Our bank knows it.

Q. Do you know it? A. No, sir.

Q. Did you ever see him write? A. No, not that I recollect.

Q. On the occasion when Mr. Nolan received those checks from you, did you exact from him any receipt at all, or any memorandum certifying to any particular paper as having been made? A. No, sir, I gave him a memorandum myself.

Q. You gave him a memorandum? A. Yes, sir.

By Mr. VOSBURGH:

Q. Did you take any receipt for the money you paid him? A. That is the receipt.

By Mr. WAEHNER:

Q. No other memorandum or receipt showing the payment of money except the check? A. Not that I know of.

Q. What was contained in the memorandum you gave Mr. Nolan? A. It specified the name of the ship, and the amount of money we paid.

By Mr. ALVORD:

Q. In other words, the number of emigrants on which you paid the head-money? A. And specified the amount that we paid the commissioners of emigration; I gave a check for one-sixth.

By Mr. WAEHNER:

Q. I notice one payment here on May 23, 1872, $1,566 25, was that a correct amount? A. Yes, sir, if I recollect right it was for six different ships.

By Mr. VOSBURGH:

Q. You generally paid about every two weeks? A. That was about the time he called for them.

By Mr. WAEHNER:

Q. Was there, at any time, any cash paid by you, or were any of those checks cashed by you? A. No, sir.

Q. Did you know anybody by the name of Patrick H. Jones? A. No, sir.

Q. Did you ever hear of him? A. No, sir.

Q. Do you know whether he had any connection with Mr. Nolan at that time in business? A. I don't know any thing about him.

Q. Do you know anybody by the name of Bernard Casserly? A. I know him very well.

Q. Did you ever speak to him in relation to the reduction of commutation-money? A. No, sir.

Q. Did you ever see him in company with Mr. Nolan? A. Not to my recollection.

Q. Was Mr. Nolan ever in his company at any time at your office that you recollect? A. No, sir.

Q. You say that the checks were either paid directly to Mr. Nolan, or Mr. Nolan sent them? A. Yes, sir.

Q. Were any of those checks, at any time, sent to Mr. Nolan? A. No, sir.

Q. Do you know where Mr. Nolan's office was at that time? A. I do not.

Q. Do you know what his business was? A. In law.

By Mr. VOSBURGH:

Q. In your position as cashier, does not Mr. Schwab, or the agent of your line, generally converse with you upon the general topics of business connected with the line, or merely as to the financial affairs? A. Merely financial affairs.

Q. And would not Mr. Schwab have any talk with you in relation to the reduction of head-money. A. No, sir.

Q. You were not advised the commissioners of emigration had passed a law requesting the legislature to reduce the head-money from $2.50 to $1.50? A. No, sir.

By the CHAIRMAN:

Q. Who identified Mr. Nolan to you? A. Mr. Schwab.

By Mr. WAEHNER:

Q. Do you know anybody by the name of Frank Rudd? A. No, sir.

Q. Do you know anybody by the name of Daniel Casserly? A. No, sir.

Q. A relative of Bernard Casserly? A. No, sir.

By Mr. VOSBURGH:

Q. How did you become acquainted with Mr. Bernard Casserly? A. Bernard Casserly was superintendent of Castle Garden, and of course our business connection brought us sometimes together; besides he was already on friendly terms with another gentleman in our office who died a few years ago.

By the CHAIRMAN:

Q. Mr. Schwab said he would furnish us with a statement of the money paid in 1874 and 1875; have you that statement? A. I don't recollect whether any thing has been paid; I would have to overhaul my books to find out.

By Mr. WAEHNER:

Q. Will you furnish us with such a statement, and send it here in writing? A. Yes, sir.

Mr. ALVORD — To Bernard Casserly, Daniel Casserly, Frank Rudd or Abraham Wakeman, or to any person for legislative work.

The CHAIRMAN — He said there were certain expenses in 1874 and 1875 at Albany; he said he was there himself, and there were a few hundred dollars that were paid by the company for expenses to Albany in those years.

The WITNESS — If he did pay it our books will show.

By Mr. WAEHNER:

Q. Did you have an account with Michael Nolan in your books? A. No, sir.

Q. What form of entry did you adopt on the making of these payments? A. That is all we had.

Q. Only your check? A. Only our check charged to the different ships.

Q. As what — general expenses? A. As expenses, just as well as we would charge head-money or any thing else.

Q. What were the nature of your advices to the other side upon the subject of the expenditure of this money, or did you notify them what the money had been expended for; I understand Oelrich & Co., are simply the agents of the Bremen steamship line? A. Yes, sir; I suppose that has been done by private letter, if it has been done at all.

Q. You render your accounts at stated times, and send them across the water? A. Yes, sir.

Q. Do you know Mr. Williams, of the firm of Williams & Guion? A. The gentleman that was here this morning?

Q. No; Mr. Guion was here this morning. A. No, sir; I don't think I do.

Q. Did Mr. Schwab at any time tell you by whom he had been introduced to Mr. Nolan, or the manner in which he became acquainted with him? A. No, sir; he never did.

Q. Did you ever hear that Mr. Nolan had been engaged by the general steamship interests, in the city of New York, to secure the passage of this bill? A. That is what I understood.

Q. From whom did you have that understanding or information? A. I could not have had it from any one else but Mr. Schwab, because he is the only party I ever heard talk about it.

Q. You did have a conversation with Mr. Schwab outside of that you have detailed upon the introduction of Mr. Nolan to you? A. Not more than I have said before that in consequence of his introducing Mr. Nolan, that he said for that reason that money had to be paid.

Q. He stated the reason was that Mr. Nolan had been employed by the steamship companies to secure the passage of this bill in the legislature? A. Certainly.

By Mr. ALVORD:

Q. I observe that on the 20th day of April you gave a check, No. 11,154, for $416; was that the amount at the rate of twenty-five cents a passenger, or one-sixth of the head-money that you paid, that you owed at that time to him? A. Yes, sir.

Q. Then I understand you to say the check No. 11,332, aggregating $1,566.25, paid on the 23d day of May, was for the emigrants who had come in, and the consequent head-money between the 20th day of April and the 23d day of May? A. Yes, sir.

Q. Then you paid on the 23d day of May all that was due to him at that time? A. Yes, sir.

Q. Then you paid on June 7th $595.50; that was for the amount or volume of emigrants who came from May 23d to June 7th, was it? A. I suppose it was.

Q. And so, in fact, in regard to the balance, there are three more of them; they were for the emigrants that had arrived subsequent to the last payment? A. As near as I can recollect.

Q. In other words, you didn't hold back upon his calling upon you the 25 cents which he was entitled to, or the one-sixth of the head-money; you didn't hold back any portion of it which had accrued, and which had been paid by you up to that time, but you paid him simply what had accrued subsequent to the date of the last payment, and up to the time of the payment? A. Yes, sir.

Q. So you paid him on the 22d day of July $456.25, which is your No. 11,643 check, the last payment you paid him for the amount that was due him under the arrrngement subsequent to the payment just before the 11th of July? A. Yes, sir.

Q. What did you stop for? A. Because I was ordered not to pay any more.

Q. Who were you ordered by? A. Mr. Schwab.

Q. Then you paid from the 2d of May, 1871, up to and including every emigrant that arrived up to the 22d day of July, 1872? A. Yes, sir.

Q. Arrived on your vessels, I mean? A. Yes, sir.

Q. This first payment that you made by check No. 9431, $163.75, dated May 2, 1871, have you any means of knowing when you commenced; calculating that would show about 650 emigrants, was that from about the middle of April previous? A. No; it seems to we commenced about the 1st of May to pay him.

Q. The law passed on the 19th day of April, and under this agreement he was to have twenty-five cents for every emigrant after that date; then, as a matter of course, all the emigrants between the 19th day of April and the 6th day of May, when you paid him, must have been comprised in this $163.75? A. I don't recollect that; I can find it out easy.

Q. The last payment, which was on the 22d day of July, 1872, included every emigrant up to that time which you had not already paid the twenty-five cents on? A. Yes, sir.

Q. Now, was it not a fact that this payment of twenty-five cents made you pay $1.75 for each emigrant instead of $1.50? A. It made us pay $1.75 instead of $2.50.

Q. The law was $1.50, was it not, as passed? A. Yes, sir.

Q. You paid $1.75, didn't you? A. Yes, sir.

Q. After the legislature of the State of New York passed a law saying you might pay $1.50, you did pay up to and including the 22d day of July, 1872, $1.75? A. That was correct.

By Mr. VOSBURGH:

Q. You were giving that twenty-five cents a head as commission? A. Yes. sir.

By Mr. ALVORD:

Q. Up to that time, from May to July, making fifteen months, you paid to this Mr. Nolan twenty-five cents additional, which made it cost you that fifteen months $175 head money? A. Exactly, sir.

Q. Now, sir, do you know of any payments since that time for any purpose of this kind? A. No, sir; I do not.

Q. Will your books show whether you have paid any thing since that time? A. Yes, sir.

Q. Have you not been called upon to pay any bills to a man by the name of Bernard Casserly? A. No, sir.

Q. Daniel Casserly? A. No, sir.

Q. For the purpose of paying Abraham Wakeman? A. No, sir, not that I recollect.

Q. Will you take those names so as to give us the fact that you have or have not paid any such thing since? A. I will, sir.

By the CHAIRMAN:

Q. When the first check was paid, was that the time Mr. Schwab introduced Mr. Nolan to you? A. When the check was paid out, yes, sir.

Q. That was the first that you saw Mr. Nolan? A. Yes, sir, I suppose so.

Q. When you delivered him the first check? A. I suppose so, yes, sir.

Q. Then Mr. Schwab, as I understand you, stated to you, in general terms, what that check was given for? A. I don't recollect whether it was just at that very moment; it might have been later.

Q. Did Mr. Schwab tell you for what length of time you were to deliver checks to this man Nolan? A. No, sir, I don't recollect.

Q. Now, it is stated here by Mr. Schwab and by Mr. Williams that this arrangement was only to continue one year; now, if you know any reason why it was continued fifteen months, I would like to have you state it? A. I do not.

Q. Can you state whether Mr. Nolan demanded any payment after that? A. I don't recollect.

Q. How did Mr. Schwab come to tell you not to pay any more money to Mr. Nolan if Mr. Nolan was making no further demand? A. That is more than I can say.

Q. Have you any recollection of the conversation between you gentlemen at that time? A. No, sir; as far as I recollect, he merely stated that the payment of this 25 cents — to stop it and not to pay him any more.

Q. After that can you state whether Mr. Nolan called upon you? A. No, sir, I have never seen him since.

[Mr. ALVORD requests that the secretary be directed to request of Messrs. Williams & Guion, through the messenger, a bill of particulars of the amounts paid Mr. Nolan by the firm of Oelrich & Co., and the number of passengers that arrived by each ship, and the names of the ships by which those passengers arrived. Carried.]

On motion, the committee adjourned until July 24, at 10:30 A. M.

NEW YORK, *July* 24, 1875.

The committee met pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Gedney, Vosburgh and Waehner.

William H. Guion, called and sworn.

By Mr. WAEHNER:

Q. You are one of the members of the firm of Williams & Guion? A. I am.

Q. What is your business? A. Shipping and commission business — agents of steamships.

Q. Do you know of anybody by the name of Michael Nolan? A. I only know him by seeing him in the office one day.

Q. State what conversation you had with him? A. I never had any conversation with him; Mr. Williams had all the conversation with him; after he left the office one day Mr. Williams said: "Do you know who that gentleman is?" I said, "No." He said, "that is Mr. Nolan." He told me he had made an arrangement to pay him 25 cents a head for each passenger brought within a year.

Q. Did he tell you more than that? A. No, sir.

Q. As a member of the firm, would it not be natural for you and Mr. Williams to talk over the matter? A. It would be, but Mr. Williams takes almost entire charge of the shipping part of the business.

By the CHAIRMAN:

Q. He must have told you what he agreed to pay him the twenty-five cents a heard for? A. I understood him to say it was for efforts he made to procure the passage of a bill reducing the commutation-money.

By Mr. WAEHNER:

Q. Was this conversation with Mr. Williams after the passage of the bill? A. I think so, but I am not sure.

Q. Is that the only time you remember seeing Mr. Nolan? A. That is the only time I remember seeing him.

Q. Did you ever attend any meeting of the North Atlantic Steamship Conference? A. I attended several meetings when Mr. Williams was out of town, but very few.

Q. Was any action taken at this meeting? A. Not when I was present

Q. In relation to the employment of Mr. Nolan? A. No, sir.

Q. Was any action taken at any of those meetings in the year 1873 or 1874, or this year, with relation to the employment of counsel? A. I don't remember of any action taken at any meeting.

Q. With relation to the employment of counsel to go Albany in the interest of the steamship companies? A. I don't remember of being present at any of the meetings; there may have been some action, but I don't remember it.

Q. If there had been such action taken, would you be able to recollect it? A. Oh, certainly I would; the conference have very frequent meetings; I think monthly meetings.

Q. Would those proceedings appear upon the minutes? A. Yes, sir.

Q. Who has charge of those minutes? A. I presume the secretary has; generally the minutes are printed, and a copy sent to each member of the conference.

Q. After the meeting? A. Yes, sir, and then they are confirmed at the next meeting.

Q. Have you the printed copies? A. I don't believe we have; we frequently send them to Liverpool, and I don't know that we keep a copy of them at the office; I cannot remember that we do.

Q. Are you cognizant of the fact that in 1871 the commissioners of emigration sent a resolution to the legislature and recommended a reduction of the commutation-money? A. I recollect it only by having my memory refreshed here; I talked with Mr. Nicholson, one of the commissioners, about it.

Q. Was he in any way connected with the shipping interest? A. Oh, no, sir; he was one of the commissioners of emigration.

Q. During the early part of the year 1871 do you know of the employment of any person besides Mr. Nolan in the interest of the steamship companies? A. No, sir.

Q. In 1872 do you know of any person being employed? A. No, sir; I think not in 1872.

Q. In 1873? A. I think I know of Mr. Wakeman being employed.

Q. Anybody else? A. I don't remember any one else.

Q. Have you heard that anybody else was employed besides Mr. Wakeman? A. I think there was some one else employed, but I don't know.

Q. Can you give us the names of those persons whom you were informed were employed? A. No, sir, I cannot.

Q. Was it Mr. Casserly? A. I don't recollect his name; I think it quite likely he was, but I don't recollect his name being mentioned.

Q. Do you recollect making any payment to Bernard Casserly or Daniel Casserly in 1873? A. No, sir.

Q. Or whether any payments were made by the steamship companies toward paying Mr. Casserly? A. No, sir; that may have been through the conference, but I don't know that we paid him any thing directly.

Q. Do you recollect making any contribution toward a common fund? A. I think so, in 1873.

Q. Toward paying Mr. Casserly? A. I don't recollect whether it was him or Mr. Wakeman.

Q. Can you tell us how much you paid? A. No, sir.

By Mr. WAEHNER:

Q. We would like to have a statement of all the sums of money you paid for legislative purposes? A. In paying Mr. Wakeman it was as counsel advocating against the further increase of head-money.

Q. Do you know how much in all was paid Mr. Wakeman in 1873? A. No, sir; it was all paid in the aggregate, and each company contributed according to the amount assessed.

Q. Who levied this assessment? A. I think Mr. Sanford collected it, and I think he had a list of the companies that were to pay.

Q. Was there not some arrangement in this conference about it? A. I think there was, but I don't recollect it; Mr. Williams generally attended the conference when he was in town, and when he was out of town I attended it.

Q. In 1874, do you know of the employment of any person in the interest of the steamship companies to go to Albany? A. No, sir; I think not.

Q. Have you ever heard of any person being employed? A. I think Mr. Wakeman went in 1874; yes, sir; it was 1874.

Q. Have you heard of any other person being employed? A. No, sir.

Q. Did you ever hear that Bernard Casserly was acting in the interest of the steamship companies at Albany in 1874? A. I don't recollect of hearing it, but I think he was employed; I am not positive about it.

Q. What is your best information derived from all sources, hearing yourself at a meeting of the conference, or personal action on your part, or information from other persons, as to the employment of Mr. Casserly in 1874? A. I don't recollect any thing about it; I may possibly have heard it from Mr. Williams, but I don't even remember his telling me.

Q. This year, do you know of the employment of any body in Albany in your interest? A. No, sir.

Q. You have not heard that any one was employed? A. No, sir.

Q. Do you know Daniel Casserly? A. No, sir; I do not.

Q. Have you heard of him? A. I only heard of him yesterday when hearing Mr. Haas' testimony.

Q. You heard Mr. Haas testify about a memorial by Daniel Casserly to the legislature; did your firm contribute any thing toward paying the expenses of preparing that memorial? A. When was that?

Q. I think it was in 1874. A. I don't recollect of any payment being made for that purpose.

Q. Did you hear of any memorial being prepared? A. Not until yesterday.

Q. Or last winter do you recollect of any being prepared. A. No. sir.

Q. Did you ever meet a person by the name of Rudd? A. No, sir.

Q. Did you ever hear of him? A. Never, until yesterday.

Q. When was Mr. Williams absent in Europe? A. I think it was in 1864.

Q. He was absent for four months at one time? A. That was in Texas.

Q. When was that? A. That was in the winter of 1873–4 — December 1873, and January and February 1874, three consecutive months.

Q. Did you attend the meetings of the steamship conference during that time in the interest of your firm? A. Yes, sir; I presume I attended the meetings during that time.

Q. Was there not some action taken at those meetings during that time; was there not some concerted action agreed upon by the conference in relation to legislation at Albany at that time? A. There may have been, but I cannot recollect.

Q. Give us your recollection? A. My recollection is, that there was not; but I have no positive recollection on the subject; I would not like to say there was or was not.

Q. Could you refresh your memory on the subject? A. Only by referring to the minutes; the minutes are printed, and a copy of them kept, I presume, by the secretary; the minutes are generally sent out previous to confirmation, and after confirmation they are reprinted.

Q. Did you at any time go to Albany yourself before any legislative committee? A. No, sir; I recollect going to Albany several years ago on some matters along with Mr. Sands, in regard to some of the reform matters, when he was acting for the citizens' association; I think I was there and met Gov. Alvord, and was introduced to him.

Q. Did Mr. Williams ever tell you in what way or manner he became acquainted with Mr. Nolan? A. I think he remarked at the time that he requested these payments to be made, that he had been acting for the steamship companies in trying to get a reduction of the head-money.

Q. Did Mr. Williams ever at any time tell you by whom he had been introduced to Mr. Nolan, or in what manner he had become acquainted with him? A. No, sir, he never told me.

By Mr. VOSBURGH:

Q. Would you not, as a business man, naturally ask that question of Mr. Williams in an important matter of that kind? A. No, sir, it was so much within his branch of the business; I hardly ever meddle with him in any thing he has to do, and he gives me control of my branch of it; occasionally we may confer on matters that may be important.

By Mr. WAEHNER:

Q. Would those payments that were made by your firm, and which are specified in this list you have given us — were they made at the time stated in the list, or were any of them anticipated? A. No, sir; I presume that is a correct record from our books at the time of payment; the young man gave them to me as a record from the books of the time the payments made; I have not examined to see that it is correct, but I presume it is correct, for the aggregate foots up twenty-five cents for each passenger.

Q. To whom did Mr. Nolan generally apply for these payments? A. I think he applied to one of the clerks that gave a check to him.

Q. Did you ever point out Mr. Nolan to this clerk so that he could identify him? A. No, sir; the clerk knew the checks were to be paid.

Q. Were all those payments made in check? A. I presume they were; I asked the young man, and he said they were.

By Mr. VOSBURGH:

Q. Were they paid on every steamer, or once or twice a month? A. I presume those are the dates of payment; every day shortly after the arrival of the steamer I suppose they were paid.

[The following is a copy of the list of payments to Michael Nolan by the Liverpool and Great Western Steamship Company, for the reduction of head-money, from April 28, 1871, to April 29, 1872, both inclusive, and which was marked "Exhibit No. 1, July 24, 1875, W. F. B."]

Payments to Michael Nolan by Liverpool and Great Western Steam Company:

1871.

Apr.	28, Minnesota,	746	aliens	$186 50
May	6, Manhattan,	778	"	194 50
	6, Idaho,	789	"	197 25
	6, Colorado,	997	"	249 25
	10, Wisconsin,	1,129	"	282 25
	18, Nevada,	817	"	204 25
	23, Wyoming,	1,002	"	250 50
	29, Nebraska,	497	"	124 25
June	12, Manhattan,	282	"	70 50
	12, Idaho,	581	"	145 25
	14, Colorado,	576	"	144 00
	16, Minnesota,	780	"	195 00
	21, Wisconsin,	478	"	119 50
	28, Nevada,	492	"	123 00
July	5, Wyoming	729	"	182 25
	19, Idaho,	387	"	96 75
	19, Minnesota,	925	"	231 25
	27, Colorado,	453	"	113 25
Aug.	1, Wisconsin,	388	"	97 00
	8, Nevada,	511	"	127 75
	16, Wyoming,	459	"	114 75
	23, Minnesota,	414	"	103 50
	30, Idaho,	489	"	122 25
Sept.	6, Manhattan,	92	"	23 00
	9, Colorado,	493	"	123 25
	12, Wisconsin,	480	"	120 00

1871.				
Sept. 26,	Nevada,	565	aliens.....	$141 25
26,	Wyoming,	524	"	131 00
Oct. 3,	Minnesota,	510	"	127 50
18,	Idaho,	492	"	123 00
18,	Manhattan,	78	"	19 50
19,	Colorado,	457	"	114 25
28,	Wisconsin,	426	"	106 50
Nov. 3,	Nevada,	761	"	190 25
10,	Wyoming,	438	"	109 50
15,	Minnesota,	435	"	108 75
27,	Idaho,	334	"	83 50
25,	Manhattan,	55	"	13 75
Dec. 1,	Colorado,	259	"	64 75
11,	Wisconsin,	280	"	70 00
16,	Nevada,	152	"	38 00
21,	Wyoming,	203	"	50 75
1872.				
Jan. 16,	Idaho,	53	"	13 25
16,	Colorado,	126	"	31 50
17,	Minnesota,	149	"	37 25
20,	Wisconsin,	48	"	12 00
27,	Nevada,	111	"	27 75
Feb. 8,	Wyoming,	67	"	16 75
12,	Minnesota,	88	"	22 00
20,	Idaho,	57	"	14 25
Mar. 1,	Wisconsin,	405	"	101 25
9,	Nevada,	245	"	61 25
15,	Wyoming,	194	"	48 50
26,	Minnesota,	294	"	73 50
29,	Idaho,	441	"	110 25
April 8,	Manhatan,	650	"	162 50
11,	Wisconsin,	738	"	184 50
19,	Nevada,	832	"	208 00
		26,231		$6,557 75

E. E. New York, 24th July, 1875 Agents.

Michael Nolan called and sworn:

By Mr. WAEHNER:

Q. You are at present one of the assistant district attorneys of

this county? A. Yes, sir; not exactly an assistant district attorney, but deputy assistant.

Q. Are you acquainted with Patrick H. Jones? A. Very well, sir; I have been acquainted with Mr. Jones ever since 1862; he and I served in the army together.

Q. Did you at any time after 1862 have any business relationship with Mr. Jones? A. Very close; Mr. Jones has always been a sort of patron of mine since I left the army; I was a partner of his at one time in the law business in this city.

Q. At what time did the partnership commence, and at what time did it terminate, if it has terminated? A. From 1868 to 1870.

Q. What time in 1870 did the partnership terminate? A. Some time, I think, in April, 1870.

Q. You were a partner of Gen. Jones during the time that Gen. Jones was counsel to the commissioners of emigration? A. Almost continuously, yes, sir.

Q. And did you, as partner of Gen. Jones, at all familiarize yourself with the affairs and business of the commissioners of emigration? A. Yes, sir, as well as my ability would permit.

Q. Did you or did Gen. Jones attend to the business of the commissioners of emigration? A. I did, mostly.

Q. You came in contact with the commissioners at different times? A. I had very little to do with the commissioners; my business principally was the prosecution of abandonment cases and bastardy cases, which is part of the duty of the commissioners of emigration in cases where women have not been in this country five years or longer than five years; I never came in personal contact with any of the commissioners in all my personal experience.

Q. You did not? A. No, sir, not once.

Q. It was your business in prosecuting these cases to come in contact with the agents of the different steamship companies? A. Yes, sir; I think it was in 1870 I first did come in contact with them; at that time the business of emigrant swindling was very rife in this city, and I prosecuted the swindlers pretty vigorously, as far as I could, and in that way came in contact with the commissioners; I think I broke up the whole business at that time.

Q. With the commissioners? A. Or with the agents of the steamship companies.

Q. Will you give us the names of some of the agents with whom you became acquainted in that way? A. I think I saw Mr. Hurst once; I think I saw Mr. Dale once; no, I think I saw Mr. Nicholson of the Inman line.

Q. Any other agent? A. No, sir; I believe not.

Q. And you only met those gentlemen once? A. I believe once.

Q. Each one? A. Yes, sir; I will tell you how it was: these ticket swindlers.

Q. I don't suppose it would be necessary to detail the circumstances, as far as the cases are concerned; the question is how often you met those gentlemen? A. I think once; not oftener than once.

Q. Prior to 1870? A. In 1870, I remember well.

Q. After General Jones ceased to be counsel for the commissioners of emigration, and General Hyllier appointed in his place, did you have any thing further to do, as far as the emigration business was concerned? A. I did.

Q. Did you continue to act as attorney? A. Oh, no, sir; General Jones ceasing, I expired, as far as any connection with the commissioners of emigration was concerned.

Q. You had no business for them after General Jones ceased to be counsel for the commissioners? A. With the commissioners, you mean?

Q. Yes? A. Oh, no, sir.

Q. Or with the business of the commissioners? A. Oh, no, sir; not the slightest; I believe the last business I did for the commissioners was to compile all the laws in relation to the commissioners of emigration.

By the CHAIRMAN:

Q Can you state, as matter of recollection, when Mr. Jones resigned? A. He resigned in 1869; I am positive of that.

By Mr. WAEHNER:

Q. As counsel to the commissioners of emigration? A. Yes, sir; immediately on his appointment as postmaster.

The CHAIRMAN — The record shows that he didn't resign until 1871 — about the middle of January, 1871.

The WITNESS — Then I must be wrong.

By Mr. WAEHNER:

Q. You testified a moment ago that in 1870, you had business with the commissioners of emigration; if he resigned in 1869, you could not have had business with them, because you testified you

had no business with them after General Jones was appointed. A. I think the record must be wrong.

Q. Was it in 1870, you had these cases of ticket swindling in hand? A. Yes, sir.

Q. If Mr. Jones resigned in 1869, you still continued to act as attorney? A. For the commissioners?

Q. Yes? A. Oh, no, sir.

Q. For whom did you prosecute those cases? A. For the steamship companies; those ticket swindlers represented that they were agents for the steamship companies, and when these swindlings took place the scandal attached to the swindling affected the companies, and they wanted a law passed to suppress this business, and I was employed for the purpose of going to Albany and having a law passed, and I believe among those who voted for the law was Mr. Alvord.

Q. When was that law passed? A. In 1870.

Q. In what manner did you come to be employed by the steamship companies, and who employed you? A. If my memory serves me right, we prosecuted some of the swindlers, and they escaped through technicalities, and it was deemed necessary to pass more stringent laws, and I went to Albany and had the law passed, which, I believe, effectually suppressed that business.

Q. I asked you by whom you were employed to secure the passage of that bill? A. I forget now; I think by the Inman line, as representing the other steamship companies.

Q. Mr. Nicholson was agent of that line? A. I believe he was.

Q. How long had you known Mr. Nicholson? A. I never saw him after he came to me about the passage of this law.

Q. Did Mr. Nicholson sustain any relationship to General Jones? A. I don't know whether he did or not; not to my knowledge.

Q. Were you not introduced to Mr. Nicholson by General Jones? A. No, sir; I met Mr. Nicholson before I ever knew that Mr. Jones knew Mr. Nicholson; the first time I ever saw Mr. Nicholson, I believe, was in the court of sessions of this county, when I was trying very hard to bring to trial one of those ticket swindlers.

Q. You say you were employed in behalf of the steamship companies to prosecute those ticket swindlers? A. Oh, no, sir.

Q. You were not? A. Oh, no, sir; it was my duty to prosecute them, or General Jones' duty to prosecute them, as attorney to the commissioners of emigration, and the duty fell principally to me; but, in the course of that prosecution, I became acquainted with some of the steamship companies, whose owners were involved in those prosecutions.

Q. State some of the companies that were principally interested in the prosecution of these cases? A. I believe they all were.

Q. Was there any particular line that had been swindled or defrauded, or anybody that had represented he was the agent of them? A. I believe the swindlers were perfectly impartial; they swindled all the lines, and misrepresented all the lines.

Q. But there was no particular steamship company, that you recollect, that instituted the first suit? A. No, sir; not that I recollect.

Q. Then it was in the course of your business as attorney, or acting attorney for the commissioners of emigration, that you became acquainted with the agents of the different steamship lines? A. Yes, sir.

Q. Did you make the acquaintance of Mr. Williams, of the firm of Williams & Guion, in that way? A. I didn't see him until 1871, I think.

Q. State the circumstances under which you saw him, and the manner in which you became acquainted with him? A. Now, I have got to make a pretty extensive statement; I suppose I know what you are inquiring about; in 1871 I think all the departments here in New York were reorganized, and among the departments were the commissioners of emigration, right here; I had ceased, and Gen. Jones had ceased, to have any connection at all with it; Mr. O'Gorman was made president of the board of the commission of emigration, and I believe all the departments vied with each other to signalize themselves at that time by introducing measures of reform, and among them the commissioners of emigration passed a resolution unanimously declaring that the head-money should be reduced from $2.50 to $1.50, that is to say an abatement of one dollar; the resolution was passed and put on the record, but no very vigorous steps were taken up in Albany to make the resolution efficient by the passage of the law, and toward the close of the legislative session — I think in March — these steamship companies, for whom I had done business previously, requested me to go to Albany and get the bill passed reducing the head-money from $2.50 to $1.50.

By the CHAIRMAN:

Q. You say the steamship companies requested you? A. Yes, sir.

Q. State the names of the persons? A. Well, I think I did not deal with the agents separately; there was a conference, I believe, among the agents, and it was agreed that I should be employed for the purpose of passing this law.

Q. You didn't attend the conference? A. No, sir.

Q. Now, some person must have communicated to you the action of the conference? A. Well, I think it was Mr. Dale.

By Mr. WAEHNER:

Q. John G. Dale? A. I think so.

Q. He communicated to you the action of the conference? A. Yes, sir; I went to Albany and I secured the passage of the law by a unanimous vote in both the houses; no dissenting vote at all.

Q. You were employed, you say, by Mr. Dale? A. Yes, sir; well, I was employed by the steamship company represented by him, I believe, as far as I can remember.

Q. Was any one else with you when he communicated to you the action of the steamship conference? A. No one.

Q. Where did you meet Mr. Dale? A. I forget, but I think at his office.

Q. Was this meeting held at Mr. Dale's office? A. The conference meeting?

Q. Yes. A. I don't know that; I was not present.

Q. Give me your best information or recollection on the subject? A. I have no information at all; I apprehend not; I think they got a place of conference specially.

Q. Do you recollect about what time this was that you had this interview, whether in March, or April, or when? A. I think about March; that is my remembrance of it.

Q. What was the arrangement that you made with Mr. Dale? A. Well, sir, there was no arrangement made at first; I was to be paid for getting the bill passed, for going up to Albany and securing the passage of the bill.

Q. What was to be your compensation? A. Well, that was not arrived at, at the first meeting, but afterward it was deemed the most equitable way was that I should receive 25 cents on every passenger arriving in the city of New York for six months.

Q. For six months? A. Yes, sir, that is my remembrance.

Q. Six months from what time? A. From the date of the passage of the bill.

Q. That is your best recollection, that the arrangement only extended over six months? A. That is my recollection now; it may have extended up to the 1st of January succeeding; it is a long time ago.

Q. Do you know how much money in all you received in that way from the companies? A. I do not; I think something over $30,000.

Q. Was it as much as $40,000? A. No, sir, it was not, as far as my recollection goes.

Q. Were all the steamship companies in the city of New York interested in that money? A. No, sir.

Q. What particular lines? A. The Inman, the Cunard, the National, and the Bremen and Hamburg line.

Q. Was there no other line that was interested in it? A. Not that I remember now.

Q. Do you know whether this meeting was a meeting of all the steamship companies in the city of New York? A. That I do not know; I know that all the steamship companies did not concur in the action made to reduce the head-money, and only those companies I have named to you.

By Mr. VOSBURGH:

Q. Was the Williams & Guion line to pay? A. Yes, sir.

By Mr. WAEHNER:

Q. Cunard and National? A. Yes, sir, and the Inman and Hamburgh and Bremen.

By Mr. LYNCH:

Q. And the French line? A. Not to my recollection; they don't bring any emigrants scarcely.

By Mr. WAEHNER:

Q. You say you went to Albany? A. Yes, sir.

Q. Did you go yourself? A. I did, sir.

Q. How long did you remain at Albany? A. About five days the first time.

Q. About what time? A. I think in March, 1871; that is my recollection; I may be wrong about dates; I didn't give the matter any attention.

Q. Whilst there what did you do, as far as it related to this bill? A. My remembrance is that I drafted the bill and had some one introduce it into the assembly; I forget whom now; I know the bill was referred to the committee on commerce and navigation in the assembly.

Q. The bill was first introduced in the assembly by a man you don't recollect? A. I cannot recollect now.

Q. And it was referred, you think, to the committee on commerce and navigation? A. That is my recollection.

Q. Did you appear before that committee? A. I believe I did, yes, sir.

Q. And make any argument. A. I believe I did; yes, sir.

Q. Did any one of the members of the committee on commerce and navigation introduce that bill? A. That I cannot recollect; I forget who introduced it; I know the bill was reported unanimously from the committee on commerce and navigation to the house.

Q. Within five days after its introduction? A. I believe so, yes, sir.

Q. What number of days was it? A. I think about five days; I

think I came away as soon as it was reported; you see the commissioners of emigration had passed a resolution requesting the legislature to pass this law, and there was no opposition there at all; every thing was easy sailing.

Q. Did you stay in the city of Albany long enough to see the bill pass the assembly? A. I did not, sir.

Q. And did you go to Albany to argue the matter before the senate? A. I did.

Q. State what proceedings were had in the senate? A. I appeared before the senate committee, according to my recollection, and stated the argument; the great argument was the passage of the resolution by the commissioners; and the fact that Boston, at that time, was competing with this city, and was bringing emigrants there without head-money, and it passed the senate without a dissenting vote.

Q. Did you stay in Albany long enough to see the bill pass the senate? A. I did; I was very anxious about that, because it was toward the close of the session.

Q. Did you go before the governor and make any statement to the governor in relation to it? A. I don't recollect; I think not.

Q. You allowed the bill to take its usual course? A. Yes, sir; I did not go before the governor; I am sure of that.

Q. While in Albany, did you converse with any members of the legislature besides the members of the committee on commerce and navition? A. I think I did.

Q. Can you give the names of any of the persons? A. I cannot now; everybody I knew I conversed with about it.

Q. Was there any member of the New York delegation with whom you conversed about it? A. I don't remember that I conversed with a single member of the New York delegation; I think I may state positively that I did not.

Q. But you conversed with members outside the New York delegation? A. Yes, sir.

Q. Did you converse with any of the members of the Kings county delegation? A. No; I believe not.

By Mr. ALVORD:

Q. Who was chairman of the house committee? A. I don't know.

By Mr. WAEHNER:

Q. Do you recollect the names of any of the members of the committee on commerce and navigation in the assembly? A. At this time I do not.

Q. Did I understand you to say that it was not a member of the committee on commerce and navigation that introduced the bill, or

that you could not recollect who it was? A. I don't recollect who it was.

Q. It was certainly not a New York member who introduced the bill? A. No, sir, I think I was a little cautions about that; I had some one from the interior introduce the bill.

Q. Did you inform the companies of the name of the gentlemen who introduced the bill? A. No, sir.

By Mr. VOSBURGH:

Q. Why were you cautious? A. It was a measure that was somewhat public in its character, and I thought it might be more prudent that some one from the interior should introduce the bill.

By the CHAIRMAN:

Q. A measure of reform? A. Yes, sir.

The CHAIRMAN—According to the latter-days designation of reform.

By Mr. WAEHNER:

Q. Was this person who introduced the bill a friend of yours; had you known him any length of time? A. If I can recollect who it was I can tell you; I think he was not a friend of mine; he must have been an acquaintance.

Q. What county did you come from before you came to the city? A. From St. Lawrence county.

Q. Was it any member from St. Lawrence county? A. I don't remember, at this distance of time, whether it was or not; it may have been Mr. Gleason, I don't know.

Q. Do you think it was Mr. Gleason? A. I think not.

Q. Was it a republican or a democratic member? A. I think it was a democratic member.

Q. Were you in the house when the bill was reported from the committee on commerce and navigation? A. I believe not; I ascertained it was to be reported.

Q. Did the bill go to the committee of the whole, and was it discussed at all in the committee of the whole? A. It was, sir; that is my remembrance of it.

Q. Were you in the house at the time it was discussed? A. I was not; I was here in New York.

Q. And you don't know what steps were taken to secure its speedy passage in the house? A. I do not.

Q. Can you tell the number of days that elapsed from the time the bill was introduced to the time of its passage? A. I don't know; probably about two weeks.

Q. Do you know the number of days that it took to pass it through the senate? A. That I don't recollect; I think a very short time; I think the bill was reported almost immediately from the senate committee, and sent befor the senate and passed unanimously.

Q. Who was the senator that took particular charge of it in the senate, if you know? A. It went to the regular committee, the committee on commerce and navigation; I don't remember who was the chairman of the committee.

Q. Who moved the bill in the senate? A. It came up in its regular order.

Q. Would a bill coming up in its regular order, not moved by anybody, pass? A. That I don't know; I don't know much about legislation; I know it passed.

Q. Can you not recollect whether you requested anybody in the senate to look after the bill for you? A. I don't recollect, at this distance of time, whether I did or not; I think I let the matter take its usual course, relying on the desire of the commissioners to take it up.

Q. And relying on some senator to take it up unsolicited? A. Yes, sir.

By Mr. VOSBURGH:

Q. Didn't you say a moment ago you remained in Albany during the latter part of the time, being very anxious about this bill? A. Yes, sir.

Q. Would you not know the senator to whom you gave this bill in charge? A. Yes, sir; I had not a speaking acquaintance in the senate among the thirty-two members of it; never spoke to any one.

Q. A bill of this kind coming up in the committee of the whole would naturally require a senator to move it as it came up; anybody that had no interest in it would not move it? A. I don't know about that; I never spoke to a member, because I didn't know any of them.

By the CHAIRMAN:

Q. You didn't speak to a senator about the passage of the bill? A. No, sir; the matter was agitated in the newspapers to such an extent that any one was anxious to take it up and pass it.

By Mr. WAEHNER:

Q. It was generally regarded as a popular bill? A. Yes, sir; and as a bill that would do credit to any man to further it; and I knew that they calculated on that impression solely.

By the CHAIRMAN:

Q. How did you expect it would further your interest if you didn't speak to a man about it? A. I relied upon the popular impressions about the bill.

Q. How would that affect you; if you didn't become affected with the bill, how would the popular impression affect the bill? A. I was to be paid for the passage of it.

Q. You were not looking for popularity? A. Not altogether.

Q. You were after the *per diem*? A. I was after the *per diem* at that time.

By Mr. ALVORD:

Q. No, it was the *per capita*? A. Yes, sir, the *per capita*.

By the CHAIRMAN:

Q. Didn't you at this time know that when you went to the legislature, that Mr. Husted, a member of the house, was also a member of the commission? A. I forget that; I don't remember that.

Q. Do you remember having any conversation with Commissioner Husted, a member of this commission? A. Not a word.

Q. You say that you were reluctant to speak to the New York members; will you give us the reason for that reluctance? A. Well, I don't recollect all the details of this transaction, sir, at this distance of time; I know I calculated this was a measure which was inaugurated by the commissioners of emigration, and furthered by the newspapers, and the chance of its passage would be better by allowing a member from the interior to introduce it.

Q. Can you state any reason for your reluctance to talk with the New York members? A. I cannot.

Q. Can you call to mind that you examined the list of committees to ascertain who constituted the committee on commerce and navigation? A. No, I cannot at this distance of time.

Q. You must have done it? A. Yes, sir; I must have known who the committee was, of course.

Q. Didn't you know that six out of the nine members of the committee on commerce and navigation that year were from the city of New York? A. I don't remember it.

Q. Nor you don't remember what the result of your examination at that time was? A. No, sir.

Q. Do you remember talking with the chairman of the committee on commerce and navigation? A. No, sir; I think I appeared before the committee in regular order; I don't know that I talked to any particular member of the committee.

Q. There must have been some mode adopted to get it before the committee? A. I forget what that mode was; I know I got before the committee; I made application to somebody, I guess.

Q. Did you take a copy of the resolution of the commissioners of emigration with you requesting a reduction of the head-money. A. I did.

Q. Did you lay that before the committee? A. I did, sir; that is my remembrance.

Q. Did you present any considerations to that committee other than the resolution of the commissioners of emigration for the passage of that law? A. Yes, sir, I think I advanced the argument that at that time Boston had abolished its head-money altogether, if I remember right, and was permitting the introduction of emigrants without head-money, and that was deemed a prudent thing to abolish the head-money.

Q. Did you have more than one hearing before that committee? A. Only one.

Q. How long did that hearing last? A. Only about an hour.

By Mr. WAEHNER:

Q. Did no one appear in opposition to your bill? A. No, sir.

By the CHAIRMAN:

Q. You say about an hour? A. Yes, sir.

Q. Do you wish to be understood that you made an argument of an hour in length before that committee? A. No, sir, I think I waited before the committee there about an hour.

Q. Your argument? A. That didn't last very long; my argument was particularly the resolution of the commissioners of emigration.

Q. That was very brief? A. Yes, sir.

Q. At the time you appeared before the committee of the assembly had not the arrangement between you and the steamship companies been consummated? A. I believe not; I think it was afterwards.

Q. Before or after the bill passed the house? A. Oh, before the bill passed.

Q. Before or after the bill was reported by the committee? A. I think it was after, if I remember right.

Q. You say after the committee reported the bill you left Albany and returned to New York? A. Yes, sir.

Q. Was that the time you came here and made the arrangement? A. That is my recollection; I may be wrong; it may have been done before I went up to Albany.

Q. State the arrangement? A. The arrangement was, as far as I can remember, that I should get 25 cents for every emigrant who should arrive in this city up to a certain period; I forget the time now.

Q. You knew what the emigration had been the preceding year, in 1870? A. I did; well, I don't recollect the precise amount.

Q. At that time I mean? A. Oh, yes, sir; I suppose I did.

Q. You knew that an arrangement of the character that you speak of would afford to you a very large compensation? A. I did, sir; I knew it very well.

Q. Now, at this time you say the commissioners of emigration had passed a resolution requesting the legislature to pass the law, and that the newspapers were unanimous in their expression in favor of the passage of the law? A. I may say unanimous.

Q. And, still, with that unanimity of the press, and this action of the commissioners, and no opposition, you demanded this large compensation for these trifling services; is that it? A. That is putting it a little treacherously; I didn't *demand* it; an agreement was made; a man makes the best bargain he can.

Q. What inducement did you hold out to those steamship agencies to get them to agree to pay you that large compensation? A. None whatever, except promoting their own interests; they wanted to get the money reduced, and they were very glad to pay me the money they did to get it reduced.

Q. You made no representations to them? A. None whatever, except that I should get the bill passed, and if I didn't get it passed I should not get a cent.

Q. At this time you say the committee reported the bill favorably, and the press were unanimously in favor of it? A. I say this arrangement may have been made before I went to Albany four years ago.

Q. I understood you to state distinctly it was not made at the time the committee reported the bill? A. No, I say it was not; the agreement as to compensation was made before I went to Albany, of course, but the mode of compensation was not arrived at until later.

Q. Who did you talk with at the time the arrangement was finally consummated — Mr. Dale? A. I believe so.

Q. Did you talk with any other representative of the steamship companies? A. I don't remember talking to a soul but Mr. Dale; I never talked to him only ten minutes.

Q. What kept you in Albany five days at that time? A. I was waiting for the report of the bill, if I remember right.

Q. The moment the bill was reported you left? A. Yes, sir; came to New York to my business again.

Q. Can you state whether you talked to any member of the legislature in regard to the passage of the bill? A. Yes, sir, I think I talked to a lot of members of the legislature; I think I talked to Mr. Husted.

Q. I understood you to say a moment ago there never was a word exchanged between you and Mr. Husted on the subject? A. I think

I spoke to Mr. Husted; I talked to several of the members of the legislature; I don't remember at this time whether Mr. Husted was a commissioner then, or not.

Q. I asked you if you had any conversation with him, and you very emphatically said you had not? A. I cannot recall it now; I think I may have spoken to him.

Q. Your impression is, that after the bill was reported, you came back and made this arrangement with the steamship companies? A. I say I do not know whether it was after the bill was reported, or before I went to Albany, but I think it was after the bill was reported.

Q. Was that arrangement in writing? A. I believe not.

Q. You relied, then, upon the word of the companies to carry out that part of the arrangement? A. Yes, sir.

Q. You have already answered you were not in Albany when the bill passed the house? A. I was not.

Q. Who did you leave the bill in charge of to move? A. I left it with the committee, and gave myself no further concern about it.

Q. You answered you were not acquainted with the mode of legislation? A. I am not.

Q. Don't you know enough about legislation to know that when a bill is called up in its order, unless some person has charge of the bill and moves it, it is passed and not moved at all? A. That I don't know.

Q. Will you say now, decidedly and positively, that you did not leave the bill in charge of any person to move when called? A. My recollection is that I did not.

Q. But your impression is that the bill was moved on account of the expression of public opinion through the press; that members of the legislature were anxious to pass it in order to gratify that? A. Not anxious to pass it, but unwilling to oppose it; I don't say that; I don't know what their anxiety was.

By Mr. WAEHNER:

Q. Yet you were unwilling to speak to any member of the New York delegation about it? A. I don't think I spoke to any of them about it.

By the CHAIRMAN:

Q. How long after your return from Albany did you go back to Albany? A. I don't remember; a very short time, I believe.

Q. What did you go back to Albany the second time for? A. I went back to look after the bill; to see it pass the senate.

Q. I understood you to say you did not speak to a member of the senate? A. I did not, butI was on the ground.

Q. For the services there rendered those steamship companies you have stated you regarded you were entitled to this $30,000 or $40,000? A. The mode of compensation I don't think any one has any thing to do with, not the legislature or this committee; I made the best bill I could; I drafted the bill and introduced it, and waited until it was introduced.

Q. Where large amounts of money are paid for the purpose of influencing legislation, this committee and the people are of the opinion that they have a right to inquire about it? A. I never paid a penny of that money to influence legislation, and the amount of compensation between me and the steamship companies, for my services, I will not explain to the committee; I got this money; I think it was a very large compensation for the service I rendered, and a very lucky hit, and that is about the end of it.

By Mr. VOSBURGH:

Q. You say you had no experience in relation to legislation in Albany; when you went there didn't you consult any parties outside of members of the legislature about this bill? A. Yes, sir; I took advice.

Q. From whom did you take advice? A. I don't remember; from anybody that could give it to me, I suppose.

Q. On going there upon a commission of this kind, would you not naturally go to some well known lobbyist up there to have him interest himself for you, and give you the points? A. No, sir; I relied simply upon the impulse of the people in that direction at that time, and the press, and upon the resolution of the commissioners of emigration.

By the CHAIRMAN:

Q. Did you communicate to the steamship agents that the commissioners of emigration had passed this resolution? A. I believe they knew it.

Q. They have all sworn that they didn't? A. I don't know any thing about that.

Q. Did you communicate that fact to them? A. I think I did; I think it was published in the newspapers.

Q. We have their testimony on the subject? A. Well, sir, the newspapers can speak better than their testimony, because I think it was on the face of the New York *Times*, the *Tribune* and the *Herald*, in this city, at that time.

By Mr. VOSBURGH:

Q. To your knowledge, were those articles that were written in

the press at that time, spontaneous articles written by the editor, or were they articles compiled by members connected with the commissioners of emigration, and some of your friends to further the object? A. I do not know; I know I never spoke to an editor within this city in my life—not one.

Q. Then you don't know of any article being compiled and forwarded to the different newspapers in the interest of this decrease of head-money? A. I do not, sir; I do not; I was a very obscure man at that time, and didn't know anybody, scarcely.

The CHAIRMAN — Of course any information you can give us on the subject I hope you will do it cheerfully and voluntarily, because you see the *Tribune* this morning accuses Governor Alvord and myself of trying to suppress any information or testimony going to show that this money went to the legislature.

The WITNESS — I will, sir.

The CHAIRMAN — They mention me by name, and the Governor indirectly; not that I care any thing about what they say, any more than the Governor does, but we desire that information, notwithstanding the *Tribune* or any other paper.

The WITNESS — As you know, sir, there has been an annual talk about this very subject for four years.

The CHAIRMAN — I never heard of it until a few days ago.

By Mr. GEDNEY:

Q. You believed, because this bill was popular, it was passed upon its own merits? A. I did; but it would never have been passed unless somebody moved it up there.

Q. What was your purpose in procuring its passage? A. To earn the money.

By the CHAIRMAN:

Q. I supposed, from your statement, it was moved without any suggestion from you? A. I don't know who it was moved it.

By Mr. GEDNEY:

Q. Do you think your agency in the matter helped it very much? A. I think so; I think without my agency it would not have been passed.

Q. Although it was so popular, the resolution of the board of emigration was in favor of it? A. You have got to put the machinery in motion.

Q. You were not acquainted there to do that thing? A. I was not acquainted very thoroughly, but I was acquainted enough for that.

Q. You don't know the member of assembly you spoke to about it? A. No, sir.

Q. You don't believe you spoke to a senator? A. I don't believe I did speak to a senator while I was up there.

Q. How did you furnish the passage of the bill? A. I drafted the bill.

Q. You say you had the bill passed; how did you have the bill passed? A. I drafted the bill and had it introduced, and it was referred to the committee; and I appeared before the committe with the resolution of the commissioners of emigration, and stated to them the purpose of the bill, and they reported it.

By Mr. VOSBURGH:

Q. You say you drafted the bill? A. Yes, sir.

Q. Were you in the employ of the commissioners of emigration then? A. No, sir; and had not been for a year.

By Mr. GEDNEY:

Q. How long a time did you receive compensation from these companies for that purpose? A. I don't recollect; I think six months.

Q. Did you receive compensation from any of them for fifteen months? A. No, sir.

By the CHAIRMAN:

Q. Did you read the papers this morning? A. I did not.

By Mr. GEDNEY:

Q. If you did receive compensation for fifteen months, what did you receive it for? A. If I did, but I didn't

Q. Well, I am presuming that you did? A. Well, I cannot tolerate your presumption in that respect, because it is not so; I don't remember the precise time at this distance of time.

Mr. ALVORD — I have seen your checks dated fifteen months apart?

The WITNESS — Very like; I would be very glad to see them.

By Mr. GEDNEY:

Q. What did you receive it for? A. I suppose for reducing the head-money.

The CHAIRMAN — The last check was given you July 22, 1872.

The WITNESS — That I don't remember.

The CHAIRMAN — The first check was given you May 2, 1871, and continuing along down semi-monthly until July 22, 1872, that is from Oelrich & Co.

The WITNESS — That contract did not run fifteen months.

The CHAIRMAN — You received checks for that length of time.

The WITNESS — No, sir.

The CHAIRMAN — Your name is indorsed on them; the first two or three checks are payable to your order; the last checks are made payable to the order of the cashier, Mr. Haas, and indorsed by him, to pay to the order of Michael Nolan, and the indorsements of all the checks are in the same handwriting.

Mr. ALVORD — And the testimony is that they were given immediately upon the making up of each account, that they were given for the account upon the day the vessel arrived and the head-money had been settled.

The WITNESS — That is so; as every steamer came in they made a check out for every one of the emigrants on the steamer.

By Mr. GEDNEY:

Q. Suppose it was about fifteen months, what did you receive it for? A. I suppose for the reduction of head-money.

Q. That is beyond the time that you contracted for? A. If it runs fifteen months, yes, sir.

Q. I am asking you on the basis of honor you received it, if at all? A. I decline to answer that; I didn't receive it on the basis of honor; I received it on the basis of service and prudence.

Mr. GEDNEY — It was a very good strike.

The WITNESS — A very excellent strike, sir; I would like to make another such.

Mr. GEDNEY — I hope such people are scarce.

By Mr. VOSBURGH:

Q. Was it through your instrumentality that the press favored this reduction? A. No, sir; I never saw a member of the press, and never wrote an article for the press in my life.

By Mr. WAEHNER:

Q. You stated that, in all probability, some friend of yours must have introduced the bill? A. Yes, sir; I suppose so.

Q. Was any person in that legislature a relative of yours? A. Not a soul; I don't know that I have got a relative in this world, except one in this country, and he never was fit to go to the legislature.

Q. Did you ever ask the chairman, or any member of the committee on commerce and navigation of the assembly, for a hearing before that committee? A. I don't recollect; I suppose I must have.

Q. You stated that you conversed with outside parties — parties outside of the legislature; can you give us the names of any persons with whom you conversed? A. Oh, no, sir; I cannot at this distance

of time; I suppose I must have asked advice from people about the *modus operandi* of what I should do.

Q. From persons whom you considered as competent to give you advice by reason of having had experience around Albany? A. I believe so, for I should not have asked them if I didn't believe they had special qualifications for the purpose I sought.

Q. Where did you see this person usually? A. I don't remember.

Q. Where did you stop in Albany? A. At the Delavan House.

Q. On both occasions? A. Yes, sir.

Q. Did you converse with more than one person who was so familiar or expert in this matter of legislation? A. I don't remember at this distance of time.

Q. Do you recollect whether it was more than one person with whom you conversed? A. I don't know who I spoke to at the time; I must have spoken to somebody; I knew enough to draft the bill; I guess I must have spoken to somebody as to the manner of getting it through the legislature, and having it introduced, and having it referred.

Q. What did this person tell you was necessary to do? A. I suppose he told me I must have some one introduce the bill, and have it referred.

Q. Any thing else? A. No, sir; not that I remember now.

Q. At the time you introduced that bill, or had it introduced, it was part of your object to keep it as secret as possible from the New York delegation, was it not? A. Well, I don't know that it was a special object; I don't believe it would have been very prudent to have made a great deal of noise about the passage of such a bill as that.

Q. Didn't you know, or didn't this person with whom you consulted have advices as to what committee it would very probably go? A. I believe so; the committee on commerce and navigation.

Q. Didn't you know who the members of that committee were at that time? A. I suppose I did, but I forget it now.

Q. Didn't you know that five or six of that committee were members of the New York delegation? A. That I don't know; I deemed it the most prudent course to get this bill passed through upon its merits, upon the faith of the resolution of the commissioners of emigration and the newspaper approval, without speaking to anybody.

Q. Now, was not that bill smuggled through the assembly? A. What do you mean by "smuggled."

Q. Was it not rushed through without any one knowing any thing about it? A. I don't know; I know it was reported, and it was reported to be reported in the newspapers.

Q. One of the members of the legislature of that year has give testimony here before this committee, and he says he thought it was passed upon the report of the committee coming in, without its going

to the committe of the whole? A. Well, sir, he knows more about it than I do, and probably his information ought to be taken; I do not know any of the facts; I know that I did nothing to smuggle it through.

Q. Did you make any arrangement with any person in Albany, who gave you this advice as to the mode and manner of passing this bill, to pay him any compensation for his advice? A. No, sir; I don't know whether I spoke to a party in Albany or in New York.

Q. Who was the party you conversed with in New York? A. I don't remember.

Q. Did you make any such arrangement with him? A. No, sir.

Q. Any agreement on your part to give him any share of this money that you were to receive for the advice and assistance which he gave you in the way of informing you as to the manner of passing the bill in the assembly or senate? A. No, sir.

Q. Are you quite sure of that? A. I am positive.

Q. Did you, in fact, pay any thing to any such person for that advice and assistance? A. No, sir.

Q. Or for any consideration whatever? A. No, sir.

Q. Connected with the passage of that bill? A. No, sir.

Q. Did you make any arrangement with any person of that character, or with any member of the legislature of the year 1871, to assign to him, or give to him any of the anticipated profits arising from the arrangement that you had made with the steamship companies? A. No, sir.

Q. You say you cannot tell who the person was with whom you talked in New York, who gave you this advice in regard to the passage of the bill? A. I don't remember at this distance of time.

Q. Where did you meet the person? A. I don't remember that.

By the CHAIRMAN:

Q. Let me suggest right here; this transaction was necessarily an unusual one in your business? A. Very much so, sir; the first.

Q. And the last? A. The first, and probably the last.

Q. Standing out alone from all your business, have you not some more definite recollection about it than you have given us? A. I have not, sir.

Q. Being such an unusual occurrence? A. I have not.

By Mr. ALVORD:

Q. Let me ask you, right in the face and eyes of this fact, that this was a larger strike than you would get in the gold mines of California; can you not recollect all the steps attending it? A. No, sir.

By Mr. WAEHNER:

Q. Was there any paper signed by any of the agents of the steamship companies in relation to this transaction? A. I don't recollect; there may have been a paper signed, embodying the agreement as between the agents and me.

Q. Have you that paper in your possession? A. I have not, sir.

Q. When did you see that paper last? A. Oh, I have not it; if there ever was such a paper I have not seen it since 1871.

Q. Do you know whether you destroyed it? A. I think it is very likely I destroyed it, if any such paper ever existed, after it ceased to be of any utility to me; I tear up all papers that are of no use to me.

Q. You testified you knew Mr. Williams? A. I knew Mr. Williams.

Q. Did he ever pay you any sum in gross during the time this bill was on its passage in Albany? A. I never got a penny from any steamship company in this city until after the governor signed the bill.

Q. Did you take any paper containing some of the signatures of the agents of the steamship companies to the firm of Oelrich & Co? A. That I don't remember, sir; I don't think so.

Q. Did you take any such paper as that to the firm of Williams & Guion? A. I don't remember it, if I did.

Q. In what manner did you identify yourself as the proper person to the other agents of the steamship lines to receive the money that was to be paid in pursuance of that agreement? A. I don't remember; I think Mr. Dale gave me a letter of introduction to the other steamship companies, or some introductory form was gone through; I forget what it was.

Q. Was there not a paper signed by all of the steamship companies who had agreed to pay you this sum which you had in your possession? A. It may very well be that there was; I don't remember it; I know it was never of much use to me, because the words of the steamship companies was as good as any paper that ever was signed.

Q. Did I understand you to correct your statement that you made awhile ago that you never had any conversation with Mr. Husted? A. I say I may have spoken to Mr. Husted in Albany at that time.

Q. Did Mr. Husted make any suggestions to you, or advise you as to the proper course to take to pass that bill? A. No, sir.

Q. If you had any conversation with him in Albany, it must have been in relation to that bill? A. It is very like, still I knew Mr. Husted at the time.

Q. You knew Mr. Husted at the time? A. Yes, sir.

Q. If this bill had been reported from the committee on commerce and navigation, did you see any person in the city of New York with relation to the passage of it? A. I don't remember, sir; whether I did or not; I think not; I think I kept the matter a secret to myself as much as possible.

Q. Do you know what time of day or night the bill was finally passed in the assembly? A. I do not.

Q. Were you never informed? A. No, sir; I was not eager to ascertain; I was only eager to ascertain the result; I saw it was passed and that was the end of it.

Q. Did the person who introduced the bill move the bill to its final passage? A. That I don't know; I was not on the spot.

Q. Were you ever informed that he did? A. No, sir.

Q. Did he ever tell you that he did? A. No, sir; I don't remember that he did.

Q. Did anybody ever tell you that he did? A. No, sir.

Q. Did anybody ever tell you who did move the bill to its final passage? A. No, sir.

Q. Or took charge of it in the house? A. No, sir.

Q. Now, whilst you were in Albany were you approached by any person and told that it was necessary, or something to that effect, to use money, or make some arrangement with relation to paying money to secure the passage of that bill in the legislature, or a report from the committee on commerce and navigation? A. I say emphatically no; no man ever made such a suggestion as that to me; and I never expended a penny in the legislature — not so much as a penny — not as much as ten cents on $10.

Q. In what bank did you deposit the moneys that you received from those different steamship companies? A. That I decline to answer; that is my private affair.

By the CHAIRMAN:

Q. That is hardly a private affair, is it Mr. Nolan? A. I think so.

Q. You see the importance of the question? A. It certainly has some importance for one purpose, but I think it is very much more important that my private affairs should be kept from inquisition.

Q. It was by such means as that the transactions of the old New York ring got discovered, was it not? A. Yes, sir; I will not answer that question, with all respect to the committee.

Mr. ALVORD — I think you are bound to answer it.

The WITNESS — No, sir, I think not.

By the CHAIRMAN:

Q. What objection have you to answering that question? A. It is a matter of private concern, altogether personal to me.

Q. How would it affect you personally, professionally or socially to answer where you kept your account? A. I don't want to argue that question, or to answer a question in relation to it; I want to stand on my rights; I have had enough trouble about this; every year this investigation has been coming up.

Q. Were you ever examined about it before? A. No, sir, but every year there was a slander in regard to this thing, that was perfectly proper.

By Mr. WAEHNER:

Q. Then there is no objection to answering the question? A. There is the objection that I don't believe the question should be asked.

By Mr. ALVORD:

Q. On what ground? A. On the ground that is a matter of personal concern to me what I do with my money, and I don't think the committee have any thing to do with it.

Mr. ALVORD — We want to see if we cannot find means by which we can connect you with other parties; it is a position that you have put yourself in — a *quasi*-official position that you cannot get rid of.

The CHAIRMAN — The question does not compel an answer as to what you have done with it; it is simply where the checks were deposited, if they were deposited at all.

The WITNESS — I will not answer that question.

Mr. WAEHNER — I move that the committee go into executive session.

Mr. ALVORD — Pass on; we will take it up in executive session after we get through with his examination as far as he will answer.

By Mr. WAEHNER:

Q. Did you on each occasion personally upon the arrival of each vessel go to the offices of the different steamship companies who had entered into this arrangement with you and collect from them the amount that was due according to the number of emigrants that

arrived? A. I did not; I went to some, and those other companies the checks were sent to me.

Q. Do you know what companies sent their checks to you? A. I do not; I think Williams & Guion was one; I think the Inman line was another; I rather think the National line was the third; I think all the others I collected the checks from personally.

Q. Did you ever call at the house of Williams & Guion yourself personally and speak to Mr. Williams? A. I believe I did, sir.

Q. On what occasion was that? A. On the passage of the bill.

Q. On that occasion did you receive a check? A. From his clerk I did; Mr. Williams introduced me to his clerk on that occasion, and told him I was the party who was to receive the checks according to the arrangement.

Q. When you went to Albany did you take any letter of introduction to any member of the legislature with you from any person? A. Not one.

Q. How many persons in Albany were you personally acquainted with? A. I was acquainted with Mr. Gleason from St. Lawrence county, and who served in my regiment during the war; I was acquainted with Mr. Husted very slightly.

Q. Any other person? A. I cannot recollect any other person I knew in the legislature; I knew Mr. Nelson of Rockland county, for he introduced the previous bill for me.

Q. Mr. Nelson was a democratic member? A. Yes, sir.

Q. And Mr. Husted was a republican member? A. Yes, sir.

Q. Was it not Mr. Nelson that introduced the bill for you? A. That I cannot recollect, sir; it was Mr. Nelson introduced the bill the year previously, and took the strongest interest in the suppression of these emigrant swindlers down here.

Q. You testified in the early part of your evidence that the bill was given by you in the hands of the democratic member, that you were acquainted with that member; and now you have testified that you were acquainted with only three persons in the assembly, one of whom was a democratic member, and the other two republican members, and that it was a democratic member introduced the bill; now, I ask you if it could be any one else except Mr. Nelson that introduced it? A. I don't recollect that I said it was a democratic member; I said it was a member from the interior.

Q. You testified that it was a democratic member? A. I think not.

Q. It was not Mr. Husted that introduced the bill? A. No, sir; it was not.

Q. Was it Mr. Gleason that introduced the bill? A. That I cannot tell you.

Q. Was it Mr. Nelson that introduced it? A. That I cannot tell you; I forget who it was.

Q. It was either one of those gentlemen? A. I don't know whether it was, or not.

Q. You were not acquainted with any one else? A. Personal acquaintance is not absolutely necessary to get a man to do an official duty.

Q. You were not acquainted with any one else? A. I don't remember that I was.

Q. And it was a member with whom you were somewhat acquainted who introduced the bill? A. I cannot say that as a matter of recollection, but, I judge it was, as a matter of mere judgment; it must have been some one that I was acquainted with.

Q. Did you ever have any conversation with Mr. Frear of New York, in relation to that bill? A. I don't remember that I ever spoke to Mr. Frear in Albany about that bill.

By Mr. ALVORD:

Q. Did you know him? A. Yes, sir, I know him.

By the CHAIRMAN:

Q. At that time? A. No, sir, not at that time; I never had spoken to him.

By Mr. WAEHNER:

Q. Didn't you know who the commissioners of emigration were at that time? A. Yes, sir, I knew quite well; I think Mr. O'Gorman was president.

Q. Was Mr. Frear a member of the commissioners of emigration at that time? A. I believe not; Mr. Husted was, and Mr. Nicholson was, and I think Mr. Wallach was.

By Mr. ALVORD:

Q. Do you know whether Mr. Alexander Frear was? A. I don't know that he was; I don't recollect; I don't follow political appointments very closely.

Q. Don't you think that it would have been natural for you to have spoken to the commissioners of emigration who were in the legislature that year, with relation to the passage of this bill, they having recommended the passing of the resolution in the board, and voted

for it? A. No, sir, I think it would be more likely I would feel a delicacy about speaking to them about the bill; I assumed they were in favor of it, because they would not stultify themselves.

Q. You didn't consider it necessary to advise with them in relation to it at all? A. No, sir.

Q. You supposed the bill would take care of itself? A. Yes, sir, that was my calculation.

Q. Why had you any right to suppose any such thing when you said you were utterly ignorant of all legislation? A. It is one thing to be utterly ignorant of the details of legislative procedure, and it is quite another thing to assume that a measure of reform, the passage of which was urged by those most interested, should pass.

By Mr. ALVORD:

Q. I will ask you, then, right in that connection, whether that was a reform legislature? A. That I don't know any thing about, whether it was reform or not.

Q. Were you so utterly and perfectly ignorant of the political relations of parties as not to know that the legislature of 1870 was under the complete control of the Tweed *regime?* A. No, I supposed it was, and that is the reason why I calculated that the resolution coming from this commission here, whose existence in a measure depended upon Mr. Tweed, would have his assistance in Albany; I knew Mr. Tweed was at the height of his power that year.

Q. Don't you know he passed all the matters there that ended in his final down fall that year? A. I don't know, sir; I heard it, and I suppose I believed it; that was the very reason why I calculated the resolution should have so much effect, because it came from a commission who had really been appointed instead of others.

By Mr. WAEHNER:

Q. Then you thought that was the time for you to jump in. A. Yes, sir, you hit the nail on the head that time.

By Mr. ALVORD:

Q. You say it came from a commission whose life depended upon Mr. Tweed; do you desire to convey the idea by the answer to that question that that commission was a corrupt commission. A. No, I do not sir; its life depended upon Mr. Tweed; I say it was just appointed under his organization of the departments in this city.

Q. If that was so what was the reason that they should pass an act of this kind, and be anxious and desirous for its passage through the legislature, except for the purpose of continuing themselves in office? A. That I don't know.

By Mr. WAEHNER:

Q. During the early part of the year 1871 did you have any conversation with any of the members of the commission of emigration in relation to the reduction of head-money? A. Not to one.

Q. Did you have any conversation with anybody in their employ? A. No, sir.

Q. Did you have any conversation with Bernard Casserly in 1871 in relation to the reduction of head-money? A. No, sir.

Q. Did you, at any time, have any conversation with Bernard Casserly in relation to the matter of commutation-money? A. Prior to its passage?

Q. Before or since. A. Oh, after the passage of the bill I think I spoke to him; I think he was a little opposed to the passage of the bill at that time; I think he jokingly referred to the passage of the bill after it was disclosed that I was instrumental in the passage of the bill.

The CHAIRMAN — It is quite evident from your narration of the circumstances attending the passage of this bill in 1871 that the bill would have passed without any aid from you at all — quite evident.

Mr. WAEHNER — Excepting the drafting of the bill.

By the CHAIRMAN:

Q. Now, under such circumstances that this bill would have passed without any aid of yours, did you, and do you regard it as honorable to take this large amount of money from these steamship companies? A. In the first place I don't assume the bill would have passed, and I assume that the bill would not have passed without my assistance.

Q. I am asking a hypothetical question assumed on your testimony. A. You assume the bill would have passed without my help.

Q. No one can fail to discover that your services had nothing to do with the passage of the bill from the way you narrate it. A. That is a private matter.

Q. Any person that has been to Albany can see that? A. I know very little of Albany.

Q. On the assumption that the bill could not have passed without any aid from you, did you, and do you regard it as honorable to take this amount of money from the steamship companies? A. I won't answer that question, sir.

By Mr. ALVORD:

Q. Let me ask you another question in connection with the speaker's: After you had found how easily this was done, with no necessity for the use of money on your part in any way, shape or manner, do you not think it would have been more honorable to have taken an ordinary counsel fee and have let the thing gone on in that way, than to have taken the money you did? A. I decline to answer that.

By the CHAIRMAN:

Q. Did you go to Albany after that year? A. I did, sir.

Q. Now, it is in proof before us that in 1872 the commissioners made application to the legislature to increase this head-money? A. Yes, sir.

Q. Did you go there in opposition to that? A. I did.

Q. What compensation did you receive for that? A. I forget.

Q. Did you receive any? A. I did, sir.

Q. Was it the same arrangement, 25 cents for each emigrant? A. Not by any means; some of the companies paid, and some of them did not.

Q. I must assume as a fact in the case that you continued to draw from some of the companies this 25 cents during the year 1872, until after the adjournment of the legislature of 1872; now, did you draw any 25 cents in consideration of services in Albany at the session of 1872; notwithstanding your want of recollection that you did, I must assume it? A. I was speaking about the first arrangement all this time; I think I did; I think three companies paid me.

By Mr. ALVORD:

Q. Which ones were those? A. The National, the Inman and the Cunard, I believe.

By the CHAIRMAN:

Q. Did you demand a continued payment from Williams & Guion? A. I don't remember; I know I didn't demand it.

Q. Or request it? A. I may have requested it.

Q. They declined to pay? A. I don't remember whether they did or not; I know they didn't pay.

Q. For what length of time did Williams & Guion pay? A. I don't know; a very short time; I got very little money.

Q. You got near $7,000? A. I don't remember.

Q. And the last check to you is dated the 19th of April, 1872; now, in the session of 1872 did you appear before the committee on commerce and navigation to oppose the passage of the bill increasing commutation? A. I think I did.

Q. Who else was with you? A. No one.

Q. You say you think you appeared before the committee? A. I think so, yes, sir; I am almost positive of it.

Q. Do you recollect the members of the committee on commerce and navigation at that time? A. I do not.

Q. Did the committee make an adverse report? A. I believe they did, yes, sir.

Q. How long was the period of incubation — how long was the committee sitting on the bill? A. That I don't know.

Q. Was the bill before the committee one or two weeks? A. I don't remember.

Q. How long did you stay in Albany? A. A very short time.

Q. A couple of days? A. More than that; three or four days.

Q. Don't you know that during the three or four days you were there at Albany the bill was introduced and referred to the committee on commerce and navigation, and an adverse report made in that three or four days? A. I do not.

Q. Do you know the influences that were used to procure an adverse report from the committee? A. I do not.

Q. You say in 1871 you relied upon the recommendation of the commissioners to reduce the head-money? A. Yes, sir.

Q. Don't you know that in 1872 the commissioners made a like recommendation that it should be increased? A. I don't remember what they did.

Q. In whose influence did you suppose the legislature was asked to increase the head-money? A. I don't know; the commissioners may have desired it increased; I know a bill is introduced annually to increase or decrease the head-money, and I suppose will as long as this commission is in existence.

A. Your idea is the recommendation of the committee to reduce the head-money would be acceded to by the legislature? A. Yes, sir.

Q. But a resolution to increase it, you believe no attention would have been paid to it? A. Yes, sir, and there was the prudential motive also of increasing it, because it was a good thing.

By Mr. ALVORD:

Q. It was a very good thing for you? A. Yes, sir, and I wish I never touched it though.

By the CHAIRMAN:

Q. What prudential reason existed for its increase? A. That it was unjust on the emigrant to have too high a *per capita* tax, and that other ports were competing with this port and permitting the introduction of emigrants without head-money.

Q. Assuming the commutation tax didn't enter into the price of passage at all, how is it unjust to the emigrant? A. I don't know that it would; it would be six of one and half a dozen of the other.

Q. If it didn't affect the price of passage it didn't affect the emigrant? A. No, sir.

Q. The only party it could affect, if it didn't affect the price of passage at all, would be the steamship companies? A. Yes, sir.

Q. And they were the parties exclusively interested in its decrease? A. Yes, sir.

Q. Give us the names of the lines that did pay? A. I don't remember, I know all the lines did not continue to pay; I think the Inman and the National and the Cunard did.

Q. Didn't the Bremen line — didn't the Hamburg line. A. That I don't remember.

By Mr. ALVORD:

Q. Was your compensation a simple continuance of this 25 cents? A. No, sir.

Q. What was your compensation? A. It was a new compensation altogether; it was not a continuance of the old contract; there was a long interval between the expiration of the old contract and the inauguration of the new one.

By Mr. WAEHNER:

Q. During that interval you received no money or checks from the steamship companies? A. Not that I remember.

By the CHAIRMAN:

Q. What was the new arrangement? A. It was based upon the same plan as the old one for a very short period.

By Mr. WAEHNER:

Q. When was the arrangement made? A. I don't know.

Q. Was it in January or February, 1872? A. I think about February or March, 1872.

Q. And, after the expiration of the first six months, under the first agreement you received no compensation — received no checks until this new arrangement was made? A. I did not say the first six months; it may be that the arrangement lasted for a year; I could tell you, I suppose, by looking at my checks, or from my bank book.

By Mr. ALVORD:

Q. You say you don't know the first six months or a year; your amount depended upon the immigration? A. Yes, sir.

Q. Are you so largely in business that you don't know whether you received $30,000 or $40,000? A. I know I received more than $30,000.

Q. Would you receive that in six months? A. No, sir; but I didn't receive $40,000.

Q. Why do you undertake to vacillate between the idea of six months and a year? A. I have forgotten all the details of this transaction, and Mr. Williams testified it was for six months, and my first impression was that it was six months.

Q. You knew how much you had received, didn't you? A. Yes, sir; pretty near it.

Q. Didn't you keep an account of your receipts? A. Oh, yes, sir.

Q. And don't you know how much you received that year? A. Yes, sir; I do very well.

Q. Could you not tell, by basing the result upon the amount that you received, how long that was? A. Yes, sir; I think it was a year

By Mr. WAEHNER:

Q. You say, under the first arrangement, you received about $30,000? A. Yes. sir.

Q. Under the second arrangement how much did you receive? A. I don't know.

Q. Was it $10,000? A. Not as much as that.

Q. Was it $5,000? A. Yes, sir.

Q. Was it between $5,000 and $10,000? A. No, sir; over $4,000 and less than $7,000, as far as my recollection goes.

Q. How long was it since the introduction of this bill and the report of the committee? A. I don't know.

By Mr. ALVORD:

Q. How long were you there? A. Three or four days.

By Mr. WAEHNER:

Q. During those three or four days was the bill introduced, and an adverse report made? A. I think not, sir.

By Mr. ALVORD:

Q. Was the bill introduced when you were there, or before you got there? A. Before I got there.

Q. Before you got there? A. Oh, yes, sir.

Q. Was the bill reported upon adversely, before or after you got to Albany? A. I think it was after I got there.

Q. After you got there? A. Yes, sir.

Q. How long had you been there before the bill was reported adversely? A. Ah, that I cannot tell.

Q. You went before the committee, you say? A. I believe so.

Q. How long had you been there before the bill must have been reported adversely? A. Not long; perhaps a couple of days before I appeared before the committee.

Q. How long was the bill introduced prior to your being there? A. Not long.

Q. How long do you think? A. I cannot recollect.

Q. Were you called there by telegram or by letter? A. I was not called there at all; the bill was introduced, and the first information we had of it was its appearance in the newspapers.

Q. How soon after its appearance in the newspapers did you get to Albany? A. Within two days.

Q. How long after you got there was the bill reported adversely? A. Within three or four days.

Q. Then, from the time of the introduction of the bill to the time of its adverse report, according to your statement, it must have been from five to seven days, must it not? A. Well, that is my recollection; I guess hap-hazard at the dates and time, as any one must after the lapse of four years.

By Mr. WAEHNER:

Q. You say all that you received in 1872 was covered by $7,000? A. That is my recollection; it may be more and may be less.

Q. Was it upon a *pro rata* basis that you received this money, also? A. It was.

Q. In 1873 did you go to Albany? A. I did not, sir.

Q. Or were you consulted by the steamship companies? A. I was not, to my recollection or knowledge.

Q. Did you have any thing to do with the legislation of 1873 relative to the increase or reduction of head-money? A. Not the slightest.

Q. In 1874? A. Not the slightest; I never put my hand to it again.

Q. The last legislature? A. Not the slightest; I have not been in the legislature of Albany about this matter since 1872, and I will never go there again.

Q. Did the steamship companies consult with you as to what steps should be taken then? A. No, sir.

Q. Had you any business relationship as a lawyer, or any other business relationship with any other person in 1871; were you in partnership with any person? A. Yes, sir.

Q. With whom? A. Edward J. Wilson, No. 10 Pine street.

Q. Was anybody else connected with that firm? A. No, sir; the firm was composed of Mr. Wilson and myself.

Q. Is this the Mr. Wilson that was formerly connected, or is now connected, with the firm of Rice, Wilson & Jones? A. Yes, sir.

Q. Was this Mr. Wilson, at any time, connected in business with Mr. Richard O'Gormon? A. Either five or six years previous to that; yes, sir.

Q. How long did you continue in business with Mr. Wilson? A. Down to the present time.

Q. Who were the members of the firm of Rice, Wilson & Jones; who is the Jones of that firm? A. It is Patrick H. Jones.

Q. Who before that was your partner? A. No, sir; it was after he was my partner.

Q. I understood you to say you were in partnership with Patrick H. Jones in 1870? A. Yes, sir; the partnership of Rice, Wilson & Jones ceased immediately upon Mr. Jones' appointment as postmaster, and then I went into partnership with Mr. Wilson soon after.

Q. What time in 1871 was that partnership formed? A. It was formed prior to 1871; I don't recollect the precise date.

Q. Are you still in partnership with Mr. Wilson? A. I am not in efficient partnership with him, because my official duties exhaust all my time; I am his nominal partner, and hope to be again next January.

Q. Had Patrick H. Jones an interest in the business of that concern in 1871? A. He had not; he had not the slightest interest in it

Q. Did he receive any share, or part of any of the income of any of the individual members of that firm, or of the joint profits of the concern? A. No, sir; not a penny.

Q. Did you consider this money which you received from the steamship companies as part of the legitimate profits of the concern of Wilson & Nolan? A. No, sir; I considered it a matter entirely personal to myself.

Q. In what relationship or light did you regard yourself as standing

to the steamship companies in 1871; as counsel? A. As counsel; yes, sir.

Q. Was not your connection with Mr. Wilson a general law partnership? A. It was.

Q. And you did not, however, count the amount of money that you received from the steamship companies as part of the business of the concern of Wilson & Nolan? A. No, sir.

Q. Did you pay any share of this money to Mr. Wilson? A. I did not pay any part of it until some time afterward; Mr. Wilson knew nothing about the arrangement I made with the steamship companies until after the passage of the bill, I told him; I didn't pay any moneys; I put a portion of the money into the partnership as an offset to my want of all business myself; I depended mostly upon Mr. Wilson being responsible for my livelihood; I put some $3,500 in the partnership.

Q. What was this $3,500 used for; did it go into the pocket of Mr. Wilson? A. No, sir; it was like so much business brought in.

Q. You charged yourself with $3,500? A. Yes, sir; Mr. Wilson knew nothing about this details of the business, and I would not have told him at the outset; it might have been prudent if I had done so.

Q. Having put that into the concern as an offset to the business, did not Mr. Wilson realize the whole of it? A. He did not.

Q. How was it subsequently divided? A. If I put $3,500 in business, and charge myself with that, I get from 40 per cent of the $3,500, and Mr. Wilson gets 60 per cent.

Q. Did he get 60 per cent of that amount? A. On the settlement of our business, of course he got it; I thought it was fair.

By Mr. ALVORD:

Q. Then you had four-tenths of the business, and he had six-tenths? A. Yes, sir.

Q. And you charged yourself with $3,500 as the company's share of your work in this matter? A. Yes, sir; partnership affairs, as an offset to the business I lacked.

By Mr. WAEHNER:

Q. Did Mr. O'Gorman have any interest in your business? A. No, sir, no connection between him and Mr. Wilson for six years; I believe they are not on speaking terms.

Q. Did Mr. Jones act as counsel, or was he interested in any way in your firm of Wilson & Nolan? A. Oh, no, sir; Mr. Jones never acted as counsel.

Q. Did you make any other payment into the firm of Wilson & Nolan out of this money you received from the steamship companies except the sum of $3,500? A. Never paid a penny in, sir.

By the CHAIRMAN:

Q. At the session of 1872, you simply went before the committee on commerce and navigation and made an argument against the increase of commutation? A. Yes, sir.

Q. Is that all you did? A. I think that is all.

Q. Did you talk to any member of the legislature? A. I don't remember to have talked to any member.

Q. Or the committee of the legislature? A. I may have spoken to some of the committee.

Q. Do you recollect it? A. I do not recollect it at this distance of time; it would be quite natural to do so.

Q. Did you talk with any outside parties who were not members? A. No. sir.

Q. Who was there before the committee in favor of increasing the head-money? A. Well, I don't know, Mr. Casserly was in favor of increasing the head-money; I think he was there for that purpose.

Q. And he recommended the commission? A. Yes, sir; I think he was there, and worked very strenuously for its increase.

Q. I understand you were the only person in opposition? A. Yes, sir

Q. All that you recollect of doing there with that committee was the simple argument made by you before that committee? A. Yes, sir.

Q. And that produced such an effect on it that they reported in favor of it? A. I don't know what my argument did; the effect was produced, and I suppose it was because the increase of the head-money would be impolitic at the time; I know the newspapers opposed it very much; as, indeed, they have invariably.

Q. That opposition is in the interest solely of the steamship companies? A. Yes, sir.

Q. And you think that opposition of the newspapers affected or operated upon the legislature? A. Oh, yes, sir; no doubt of it; newspapers affect about every thing.

Q. Now, you spoke about Mr. O'Gorman being president of the board in 1871? A. Yes, sir.

Q. And the board was reconstituted, Mr. O'Gorman being president, in the interest of reform? A. Yes, sir.

Q. Have you any personal acquaintance with Mr. O'Gorman? A. I have.

Q. Did you at that time? A. No, sir.

Q. In 1871? A. No, sir; I had no personal acquaintance with him; I knew him, and he knew me, but we never had five minutes' conversation.

Q. You were also at work in the interest of reform at that time? A. That was my particular hobby at that time.

The CHAIRMAN — So I supposed.

By Mr. ALVORD:

Q. You belonged to the young democracy? A. Yes, sir.

By the CHAIRMAN:

Q. With those reform gentlemen, and Mr. O'Gorman at the head, and they acting in the interest of reform, did you communicate with Mr. O'Gorman or any of his associates that that reform was to be brought about by the expenditure of about $50,000 or $60,000? A. No, sir; there was no $50,000 or $60,000 expended.

Q. Thirty thousand dollars or $40,000? A. Well, put it down $40,000 and you will be pretty near it, all told.

Q. You stated that every year this matter has been agitated? A. Yes, sir.

Q. In what way? A. I don't know, sir; I never had any thing at all to do with the business since 1872, and never will again.

Q. You say the matter has been agitated until it has become a matter of annoyance to you? A. Yes, sir.

Q. In what way? A. There was an investigating committee before on this very subject.

Q. That was in 1872? A. Yes, sir.

Q. But that was very superficial, I see? A. I know it developed all the facts as far as they affected me, and gave rise to a good deal of scandal, and the matter has been referred to from time to time; every time when the question of decrease or increase of the head-money has been introduced in the legislature, this transaction of 1872 has always been appealed to.

Q. In connection with that, this matter being constantly agitated, the matter, then, has been in your mind or recollection more or less? A. Yes, sir, it has been in my mind as a source of annoyance.

Q. How do you account, this matter being constantly before you, for your want of recollection on so many material matters? A. I don't think I have been wanting in recollection, except in regard to details, and I have got a bad head for details.

Q. Is your head bad on details in every matter, or only in this specific matter? A. More in this than in any other.

The CHAIRMAN — So I suppose.

By Mr. VOSBURGH:

Q. In the early part of the testimony you gave the names of the lines who paid you this money; you included the Hamburg, Bremen, Inman, National, Cunard and Williams & Guion lines? A. Yes, sir.

Q. Did the Anchor line pay you any? A. Yes, sir.

Q. I think you also swore that you were paid about $30,000? A.

Over that, sir; put it at $40,000 for 1871 and 1872; for 1871 over $30,000.

Q. For the year from the time of the passage of this act until the year expired, at 25 cents a head it may amount to $40,000? A. It may; I will have to look at my books and find out.

Q. As soft a thing as that appeared to be, you would be very particular in keeping the run of the number of steamships that arrived, and the number of passengers? A. I was very particular about that, sir.

Q. Then you would not possibly skip any steamer that would arrive with a thousand passengers on her? A. No, sir; no steamship escaped me in that year.

Q. You would send in your bill, or they would remit to you accordingly? A. I would say this, that I never inquired into the accuracy of the steamship companies, because I think they were perfectly incapable of doing any thing under-hand; I took their checks.

Q. You say you received not to exceed $40,000? A. That is my recollection; I may have received more, and may have received less.

A. According to the evidence we now have in from those lines the amount which is sworn to, and the checks having been produced, amount to $20,398.25 from two lines, the Bremen line and the Williams & Guion line? A. Yes, sir.

Q. And it is not computed, but according to Mr. Jackson, the secretary of the company, after looking at his statistics of the National, the Cunard, the Inman and the Anchor lines, they show that the emigration coming over those lines was far in excess of the two lines I have mentioned? A. Yes, sir.

Q. Therefore, if they were equal, and you say you were paid as you were, and you took particular notice to notice the arrivals to see the number of emigrants and get your full pay, the probability is that those must have exceeded $60,000? A. Oh, no; I never had $60,000.

Mr. WAEHNER — Under that contract it would have amounted to $60,000.

The WITNESS — I don't believe it would; I can find out the precise sum.

By Mr. VOSBURGH:

Q. In the figures of emigration, as reported by each ship, that according to the printed reports it would amount to over $60,000, and we have already got from the sworn testimony of two steamship companies who produce their checks, with your indorsement, showing the amount received by you from the Bremen line to be $13,840.50, every check of which was produced made payable to your order, and the

indorsements on the back were made in the same handwriting; the Williams & Guion line in that year paid $6,557.75; therefore, those two lines having paid $20,000, it is natural to suppose the total amount paid you was over $60,000, if you calculated the entire amount? A. Yes, sir; I calculated the entire amount; the German Bremen line was exceedingly profitable that year; a great many emigrants came by it.

Q. Did you keep over one bank account during that time? A. Only one; yes, I kept two.

Q. You did keep two? A. Yes, sir.

Q. And you still decline to inform the committee in which way you kept your different bank accounts? A. Yes, sir.

Q. On what ground? A. I think that is a matter of private concern.

Q. Is it a matter of private concern where you deposited those moneys? A. Yes, sir; I think it is.

Q. Is that not a subject of investigation? A. It is not a subject of investigation in regard to me; the proper subject of investigation is, whether I paid the legislature any money.

Q. Or any outside parties? A. I don't know whether that would be a subject of investigation.

The CHAIRMAN — I hope you will reconsider that conclusion, Mr. Nolan; the committee would find it very unpleasant to resort to any ulterior proceedings which would be disagreeable to you and disagreeable to the committee.

The WITNESS — Well, sir, you cannot make an omelet in this world without breaking an egg, and I suppose I am right, and I am going to stick to it, hit or miss.

By Mr. ALVORD:

Q. You kept your account with the Union Trust Company? A. I kept a little account there once.

Q. Didn't you deposit every single one of those checks that you received from this source in the Union Trust Company? A. No, sir; I did not.

Q. Did you deposit any of them? A. Yes, sir.

Q. Where did you deposit the balance of them? A. That is something I deline to answer.

Q. I desire also to have you register your declination, because I mean you shall answer in the end? A. Well, sir, I reiterate it.

Q. You did not deposit them there? A. No, sir.

Q. How much did you deposit there? A. I will not answer that question.

Q. You answered so far as to tell me you deposited some of them? A. Yes, sir.

Q. Why did you stop half way? A. Well, it was a matter of courtesy to you that I answered the other questions; I was not obliged to answer them, I suppose.

Q. Why did you answer them, then? A. I am exceedingly anxious to oblige you.

Q. I ask you how long you have been acquainted with Mr. Gleason? A. Mr. Gleason and I went out in the same regiment.

Q. I don't ask whether you went out in the same regiment; I don't want any glorification? A. I don't glorify myself at all, sir.

Q. How long have you known him? A. Since 1862.

Q. The first time you said you lived in St. Lawrence county? A. Yes, sir.

Q. Did you know Mr. Gleason before you went to the war? A. I never saw him or spoke to him.

Q. What part of St. Lawrence county did you live in? A. Ogdensburg.

Q. Who was the member, in 1871, representing the Ogdensburg district? A. That I cannot say.

Q. Did you know Mr. Lane? A. No, sir.

Q. Never knew him? A. No, sir.

Q. Did you come in contact with him in the legislature in 1871? A. Never spoke to him, and would not know him on the street.

Q. Your first knowledge of Mr. Gleason was when you and he were soldiers together? A. Yes, sir.

Q. The first time you met him after that was in the legislature? A. Yes, sir.

Q. Did you have any conversation with Mr. Gleason in regard to this matter that you were there for in 1871? A. I don't recollect whether I had or not?

Q. Do you recollect whether he was the one that introduced your bill? A. I cannot say.

Q. Do you know Bernard Casserly? A. I do, very well.

Q. Do you know Daniel Casserly? A. I believe I do, yes, sir; not so well; I know who he is.

Q. Do you know whether either one of those gentlemen were in the habit of writing editorials for the papers upon this question of head-money? A. I do not; I never had the slighest knowledge of it.

Q. Were you ever informed of it? A. No, sir.

Q. Do you know a gentleman by the name of Rudd? A. I do.

Q. When did you first become acquainted with him? A. I say I knew him; I never spoke to him but once in my life.

Q. When was that? A. About two or three years ago.

Q. Where did you meet him? A. On the street; I met Daniel Casserly, I think, with another gentleman; I forget whom; I was introduced to him, however.

Q. You say you went to the Delavan House and stopped? A. Yes, sir.

Q. Do you recollect the number of your room? A. I do not; I know it was a very poor room; over the river.

Q. Do you recollect the floor? A. Top floor.

Q. The top floor in the Delavan House in 1871? A. I think so; I believe it was the Delavan House I stopped at.

Q. It must have been rather lonely? A. I am rather a lonely person; I am not social at all.

Q. Do you recollect my being a member that year? A. I believe you have been a member as long as I can recollect.

Q. Do you recollect whether I was a member that year? A. I believe you were; I know I asked you to interest yourself in the bill for the suppression of emigrant swindling down here, and you very kindly did so.

Q. That was in 1870? A. Yes, sir; I had not spoken to you before, and was not introduced to you, but was expatiating on the bill and you kindly forwarded it, and it has done a great deal of good in this city.

Q. Did you know me in 1871? A. Yes, sir.

Q. Did you speak to me? A. No, sir.

Q. Do you recollect where I boarded in 1871? A. No, sir; I always saw you down at the Delavan House.

Q. Do you recollect who was the chairman of the committee on commerce and navigation in 1871? A. Upon my honor, I do not.

Q. Have you any knowledge of Richard Flanagan? A. Yes, sir; he is an alderman now.

Q. He was? A. Yes, sir; I know him; he is a very good-looking fellow.

Q. Did you know him personally? A. I never spoke to him until the last six months since I have been assistant district attorney.

Q. You never saw him? A. I saw him.

Q. Do you know whether he was a member of the legislature of 1871? A. I do not; I don't recollect it.

Q. Don't you know he was chairman of the committee on commerce and navigation in 1871? A. Upon my honor, I don't remember it, although I think he was on the committee.

By Mr. WAEHNER:

Q. He was a New York member, was he not? A. Yes, sir.

By Mr. ALVORD:

Q. Did you know Mr. Buck of New York? A. I know him now, but did not know him then.

Q. Did you know he was a member of the committee on commerce and navigation? A. I did not.

Q. Did you know Mr. O'Brien — not the celebrated Jimmy, but Larry? A. I never spoke to him, but I know who he is.

Q. Did you know he was a member of the committee on commerce and navigation? A. It is my recollection that he was; I believe he was.

Q. Did you know a William W. Cook of New York? A. Yes, sir; very well.

Q. Did you know him then? A. Yes, sir; I knew him.

Q. Did you know he was a member of the committee on commerce and navigation? A. I believe he was.

Q. Did you know George Loutrel of New York? A. No, sir.

Q. Did you know he was a member of the committee on commerce and navigation? A. I do not remember; I know Mr. Cook and Mr. O'Brien.

Q. Here is a man whom not to know argues yourself unknown; did you know Mr. Van Steenburg, of Greene county? A. No, sir.

Q. That is, in the business in which you were engaged? A. That is just exactly it.

Q. Did you know Mr. Carman, of Suffolk? A. No, sir; I remember him; I think he was a member of the committee; I never spoke to him.

Q. You didn't know anything about him, except simply as a member of the committee? A. Yes, sir.

Q. And you have no recollection, as I understand you to answer, of Mr. Buck and Mr. O'Brien? A. I have a distinct recollection of Mr. O'Brien; I think he was a member.

Q. But you have no recollection of Mr. Buck? A. No, sir.

Q. Mr. Cook? A. I have a recollection of him.

Q. Have you any recollection of Mr. Loutrel or Mr. Van Steenburg being members of that committee A. No, sir; I didn't lobby at all.

Q. Do you know who was the chairman of the committee on commerce and navigation that you appeared before in 1872? A. I don't know; it appears to me it was Mr. Oakley.

Q. He is a democrat? A. I don't know.

Q. What was the construction of the legislature of 1872, the assembly? A. That I don't know.

Q. Do you know F. A. Alberger? A. Yes, sir; I know who he is.

Q. Do you know him? A. I do not; if you mean by knowing him, having personal acquaintance with him, I do not.

Q. Are you personally acquainted with him? A. No, sir.

Q. Do you not recollect whether he was on the committee on commerce and navigation in 1872? A. I think he was.

Q. Do you know what position he occupied on it? A. I think he was chairman.

Q. You say you drew this bill which was passed in 1871? A. I believe so, yes, sir.

Q. Where did you draw it? A. I believe I drew it here in New York.

Q. I want to ask you whether you can now, after looking over this matter, a thing in which you were so very much interested, whether you cannot recollect to whom you gave that bill for introduction? A. I cannot recollect at this distance of time.

Q. And you cannot recollect the course it took in the legislature? A. No, sir.

Q. Except in the senate? A. I know it was passed very promptly.

Q. You cannot recollect the course of it? A. No, sir.

Q. I understand you to say that you went into the senate? A. Yes, sir.

Q. And appeared before that committee? A. I believe so, yes, sir.

Q. And that you watched it? A. I did.

Q. Do you know whether that went in, in the ordinary course of the legislature, to a committee of the whole? A. I believe it did.

Q. And it was there discussed? A. Yes, sir.

Q. Do you recollect who was the chairman of the committee on commerce and navigation in 1871? A. I don't know.

Q. Can you tell? A. I cannot.

Q. Do you know James Pierce? A. I do.

Q. A lawyer in this city? A. Yes, sir.

Q. Do you know whether he was a senator in 1871? A. I do not — yes, he was.

Q. Do you recollect whether he had any thing to do with the committee on commerce and navigation? A. I do not; I think he did.

Q. What position did he occupy on it? A. I think he was chairman of the committee.

Q. Do you know any thing about a man by the name of Lewis? A. No, sir.

Q. Senator from Erie county? A. No, sir, I don't know him.

Q. Do you recollect whether he was a member? A. No, sir.

By Mr. WAEHNER:

Q. Do you know what committee the bill went to in the senate? A. I don't remember; I believe it was the committee on commerce and navigation.

Q. That is your bill? A. Yes, sir.

By Mr. ALVORD:

Q. Do you know a gentleman by the name of Thayer? A. No, sir.

Q. Do you know who is the auditor of the canal department of this state to-day? A. I do not; Thayer — T-h-a-y-e-r?

Q. Yes, sir. A. Yes, sir, I know him.

Q. Francis T. Thayer? A. Yes, sir, I know who he is.

Q. Do you know whether he was a member of that committee? A. I don't know.

Q. Do you know a gentleman of the name of Frost? A. I do not.

Q. Do you recollect whether he was a member of the committee? A. I do not.

Q. When you go to work before a legislative committee or a jury, don't you undertake to study the *personnel* of the men before you? A. Somewhat; yes, sir.

Q. Would you not be very apt in a matter of this kind, where you were so largely interested, and where the result was to be so remunerative to you, to recollect the parties before whom you appeared? A. Yes, sir, I suppose I would; still, after I get through with men I forget them very easily.

Q. Now, in reference to this other question of an agreement, I have heard you say here in various portions of this examination that you depended very largely upon the honor and the well-known respectability of the steamship companies more than any thing else, for their furtherance of the agreement that you made? A. Yes, sir.

Q. Would you go into a matter of that kind, with such large pecuniary results coming to you in the event of success, in the first place, without a written agreement? A. I would, unhesitatingly, on their bare word.

Q. You would upon their bare word? A. Yes, sir, I think I might do so with safety.

Q. Do you undertake to swear that you have no perfect recollection of the agreement you drew up and carried to those parties? A. I think there was a sort of memorandum agreement drawn up that the several agents signed, but I did not carry the agreement

around, and whoever says so is mistaken; I think there was a written agreement in 1871, but not in 1872.

Q. That was in your custody, was it not? A. Yes, sir.

Q. Being an agreement that if you performed certain things you should have certain pay? A. Yes, sir.

Q. Therefore not being necessary for you to sign it or account for it? A. Yes, sir.

Q. Now, under that agreement what did you agree to do? A. I didn't agree to do any thing; the agreement ran in this wise, that the steamship companies agreed, if I should secure the reduction of the head-money from $2.50 to $1.50, that I should receive 25 cents on every passenger arriving in the city of New York for the time specified from the passage of the bill.

Q. And you don't recollect that time? A. I think it was a year, sir; to last a year.

Q. From the passage of the bill? A. Yes, sir.

Q. How came you to be employed by the steamship companies? A. I told you before I was employed the year previous to do another business for them.

Q. How came you to be employed then? A. Because I made the acquaintance of some of the agents of the steamship companies in the prosecution of these emigrant swindlers.

Q. You were paid for that purpose? A. I was.

Q. At that time you were a partner of Mr. Jones, were you not? A. No, sir, Mr. Jones was postmaster at that time.

Q. In 1870? A. I think so; yes sir; it appears to me that he was.

Q. When were you a partner of Mr. Jones? A. I was a partner of his in 1869, and I don't know but that I was a partner of his in 1870; I don't remember; I can tell by looking at my books.

Q. Did you divide the compensation that you got for your efforts in 1870 with Mr. Jones? A. I did not.

Q. Did you consider that a matter outside of your business as a lawyer? A. Yes, sir; I didn't get much.

Q. How much did you get? A. I don't recollect; certainly not over $500, I think; it may have been more than that.

Q. Did you ever give Mr. Gleason any of the money that you derived from this matter of 1871? A. I never gave Mr. Gleason a penny.

Q. Neither directly or indirectly? A. Neither directly nor indirectly.

Q. While you were at Albany did you expend any of the money

except the money for your regular board at the Delavan House? A. Not a penny did I ever disburse in Albany.

Q. Neither to an outsider or an insider? A. Neither to an outsider or an insider.

Q. Did you receive the full benefit and advantage of all this arrangement of 1871, yourself, individually, with the exception of the amount that you gave credit to your firm, Wilson & Co. for? A. Yes, sir.

Q. Every dollar of it? A. Yes, sir; every dollar of it; I never paid a penny at that time to anybody up there.

Q. I am asking you now generally? A. I collected all the money.

Q. I understand that, but did you pay any portion of that money to any human being as a part and parcel of any consideration or any advantage to you, except what you said in regard to the $3,500? A. No, sir.

Q. Mr. Nolan got the whole of it? A. Yes, sir.

Q. The whole benefit of it? A. Yes, sir.

Q. What led you to believe you could make so large an amount of money? A. I didn't anticipate to make so large an amount of money.

Q. But you predicated your services upon 25 cents a head? A. Yes, sir.

Q. Were you not aware of the volume of emigration? A. Yes, sir; but didn't suppose it would have run up as high as it did.

Q. You knew it would run up to 100,000 at least? A. Yes, sir.

Q. Didn't you consider yourself, as a young lawyer just getting into the world, that $25,000 was an immense amount of money? A. Yes, sir; it is an immense amount of money.

Q. And yet you want this committee to understand that upon your own motion, and without any consultation with anybody else in reference to this matter, you went to work and initiated this thing and got the whole money and kept it all? A. I don't say it was without consultation with anybody.

Q. Without any consultation in regard to results? A. Yes, sir; I may have taken advice about it.

Q. Did you take advice of any one as to what the probable results pecuniarily to you would be? A. I don't remember that I did.

Q. Did you find friends very ready and willing and anxious to help you in this matter, without any compensation? A. Yes, sir; I have always had friends who would help me without compensation.

Q. Don't you know you are entirely mistaken in regard to the

history of this matter that you have undertaken to detail in regard to this legislation? A. No, sir; I do not.

Q. Would you believe the public records before you would believe yourself? A. I would.

Q. If you were certain the public records said you were mistaken, what would you say? A. I would say I was mistaken very seriously; my recollection of the affair is that I drew the bill and gave it to be introduced to the committee on commerce and navigation, as I remember, and I think that it afterwards transpired it was Mr. Frear that moved the passage of the bill in the house.

Q. I think you are beginning to recollect more than you did in the first place; but is there any reason why you should come before this committee and swear that you went there and made a studied and labored argument before the committee, when you were not there at all? A. No, sir, but my recollection is that I did go before the committee; I may be wrong.

Q. How could you be wrong? A. It is four years ago.

Mr. ALVORD — If it was fourteen hundred years ago, I believe you are a man that has got a level head upon you; I would recollect it.

The WITNESS — You have got a better recollection than I have.

By Mr. WAEHNER:

Q. I would like from you now a positive statement as to whether or not you appeared before the committee on commerce and navigation of the assembly, and made an argument before that committee upon this bill to reduce head-money? A. That is my remembrance, sir.

Q. Will you swear that you did? A. I will not; I will swear I believe I did.

Q. Then you will not swear that you did go before that committee and make an argument? A. I will swear that I believe I did; that is my remembrance; it is now and always has been; I said I didn't make much of an argument; my argument was the resolution of the board of commissioners of emigration.

Q. You stated awhile ago you made an argument of an hour in length? A. No, I didn't; I said I was there an hour; other arguments were going on besides mine.

Q. You still swear to that statement, that you were before that committee for an hour? A. That is my remembrance; I may be wrong; I cannot tell.

Q. Don't you know that Alexander Frear of the city of New York introduced that bill for you? A. No, sir; I know he moved its passage in the house, but I do not remember whether he introduced it.

Q. To whom did you give that bill? A. I don't recollect; it may have been to Mr. Frear.

The CHAIRMAN — You stated you were not there when the bill passed, so you of course cannot tell whether Mr. Frear moved its passage for you or not?

The WITNESS — I may have heard that afterward.

By Mr. WAEHNER:

Q. Did you ever hear of any one by the name of Dennis Burns? A. Yes, sir; I know him personally.

Q. Did you know him in 1871, personally? A. No, sir.

A. Were you introduced to him in 1871? A. Yes, sir; I spoke to him.

Q. Were you introduced to him? A. Yes, sir.

Q. Where were you introduced to him? A. I think in Albany.

Q. Did you have any conversation with Dennis Burns in relation to this bill? A. Not a word.

Q. Didn't you ask him to assist you to pass that bill? A. I did not.

Q. Do you know any person who went to Mr. Burns, or were you informed that any persons went to Mr. Burns, and asked him to forward the passage of that bill? A. No, sir.

Q. Or to go for it? A. No, sir.

Q. Don't you know Dennis Burns moved this bill to a third reading? A. I do not; my recollection is that I ascertained afterward that Mr. Frear moved the passage of that bill in the house, and I believe he even interested himself in the senate to pass the bill.

Q. Is not this the fact in relation to the passage of that bill in the assembly; that the bill was introduced on April 6th in the assembly by Mr. Frear, and was immediately and by unanimous consent, on motion of Mr. Burns, ordered to a third reading? A. That I do not recollect.

Q. And passed immediately? A. That I do not recollect.

[Mr. Waehner read the following from page 1286 of the Assembly Journal of 1871]:

"By unanimous consent, Mr. Frear introduced a bill entitled 'An act to amend an act entitled An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the marine hospital, passed April 13th, 1873,' which was read

the first time, and by unanimous consent was also read the second time. By unanimous consent, and on motion of D. Burns, said bill was read the third time. The speaker put the question whether the house would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected and assembled voting in favor thereof, and three-fifths of the members being present. Ayes, 93; noes, none.

"Ordered (after reciting the names of all the members voting for it), that the clerk deliver said bill to the senate, and request their concurrence therein. The house adjourned at 9:40 P. M. that night, and the only business that intervened between the time of the passage of this bill was the asking of unanimous consent by Mr. Decker to introduce a bill, which was read the first time and the second time, and referred to the committee on judiciary."]

The CHAIRMAN — You might add that three minutes did not elapse from the time of the introduction of the bill to its passage, and on motion of Mr. Alvord the house adjourned.

By Mr. WAEHNER:

Q. Did I understand you to say you appeared before the committee on commerce and navigation of the senate and made an argument in favor of that bill? A. I think I appeared before the committee on commerce and navigation of the senate.

Q. Will you swear you did? A. I will not; I will swear that is my recollection.

Q. Do you know what day that bill came to the senate? A. I do not.

Q. Was it not April 7th? A. I don't know; my memory is that some time elapsed before it passed the senate.

Q. What is your remembrance concerning the time between the passage of the bill in the house and its commission to the senate? A. I think it went to the senate very quickly.

Q. It went immediately? A. Yes, sir.

By the CHAIRMAN:

Q. You were not at Albany at the time? A. No, sir; I was not

Q. After the bill was in the senate you stated you had considerable solicitude for its passage? A. I had, sir, very great solicitude.

Q. Are you sure that bill went to the committee on commerce and navigation? A. That is my remembrance; I believe it took the usual course.

Q. Who was the chairman of that committee? A. I don't know; Mr. Pierce I think was.

Q. Do you know any of the members of it? A. I know Mr. Pierce; I don't know but Senator Wood was on it.

Q. Do you know William M. Tweed? A. No, sir; I never spoke to him but once; and that was the other day in the office.

Q. Did you ever speak to William M. Tweed in 1871, in relation to the passage of this bill? A. I never spoke to him but once, when he was brought over from the penitentiary.

Q. Don't you know that that bill was referred to the committee on municipal affairs in the senate, of which Mr. Tweed was chairman? A. I do not recollect that fact.

Q. Don't you know that it was? A. No, sir.

Q. Do you recollect seeing Mr. Tweed present at the time you argued that matter before the committee on commerce and navigation? A. I don't remember that Mr. Tweed was present; I never spoke to Mr. Tweed in my life, except the other day in the course of my official duties.

Q. Were you acquainted with Senator Creamer in 1871? A. Yes, sir, very well.

Q. Did you speak to Mr. Creamer in relation to this bill? A. I think I did.

Q. What did you say to him about it? A. I don't remember what I said to him; I probably recalled to his mind the fact that the commissioners of emigration had passed the resolution.

By the CHAIRMAN:

Q. You said a moment ago that you didn't speak to a single member of the senate? A. Yes, sir, but I think I spoke to Mr. Creamer once.

By Mr. WAEHNER:

Q. You said a moment ago you didn't know one of the senators, and now you say you know Mr. Pierce and Mr. Creamer? A. I never spoke to Mr. Pierce in my life, personally; Mr. Creamer I have spoken to.

Q. You spoke to Mr. Creamer in 1871 about this bill? A. I think I did.

Q. What did you say to him? A. I cannot tell you that.

Q. Tell us part of it? A. I assume I told Mr. Creamer about the passage of the resolution by the commissioners of emigration.

Q. Did you tell him any thing else? A. No, sir, I suppose not.

Q. Did you ask him to look out for the bill for you? A. I don't remember that I did.

Q. Did Mr. Creamer tell you to go before the proper committee and make an argument? A. He did not.

Q. Did you have any other transaction with Mr. Creamer, except that which you have stated? A. No, sir.

Q. Were you acquainted with Senator Banks? A. No, sir; I know him, but I never spoke to him in my life.

Q. Did you know him in 1871? A. Yes, sir; I knew who he was.

Q. Did you know him by sight in 1871? A. Very well.

Q. Did you know Senator Lord? A. Senator Lord I did not know.

Q. Did you know Senator Kennedy? A. Senator Kennedy I knew, but not to speak to.

Q. Did you know him in 1871 to speak to, or by sight? A. Yes, sir; I think I knew him by sight; I never spoke to him.

Q. Did I understand you to say, a while ago, you are not acquainted, and were not acquainted with any of the committee on commerce and navigation that year except Senator Pierce? A. What do you mean by being acquainted with a man?

Q. By sight? A. Of course I knew them by sight; I knew Senator Tweed by sight; and I lived in Albany three years, and knew Senator Banks as well as my own brother; I never was brought into his sphere.

Q. Did you know the members of the committee on commerce and navigation — Mr. Pierce, Mr. Frost, Mr. Thayer and Mr. Lewis — as well or better than you knew the committee on municipal affairs, consisting of Mr. Tweed, Mr. Creamer, Mr. Banks, Mr. Loutrel and Mr. Kennedy? A. Mr. Creamer I had spoken to before that, but never spoke to the other gentlemen; that is my recollection.

Q. Did you see Mr. Creamer on this committee before whom you made this argument? A. I don't remember; you are always putting the question, "made this argument;" I say I don't believe I made much of an argument before the committee; I appeared, and there was no difficulty about the thing at all; everything slid through.

Q. Where did this committee of the senate, before whom you appeared, hold its meetings? A. I don't know.

Q. Was it in the capitol? A. I believe it was.

Q. What part of the capital building was it in? A. I don't remember.

Q. Was it up stairs or down stairs? A. I don't remember that; I think it was down stairs.

Q. On the floor where the assembly chamber is located? A. No, sir; I think it was further down than that.

Q. It was not on the floor with the senate chamber? A. I don't remember.

Q. Now refresh your mind as to where that commitece was? A. I don't remember.

Q. You don't remember? A. No, sir.

By Mr. ALVORD:

Q. You recollect it was in the capitol? A. That is my recollection; I have been before committees of the legislature on the first bill I passed; my remembrance is that it was down stairs somewhere that I went.

By Mr. WAEHNER:

Q. Didn't you have any conversation with any other member of the senate except Mr. Creamer in relation to this bill? A. Not one that I can recollect.

Q. Did you have any conversation with A. D. Barber in relation to this matter? A. I never spoke to him.

Q. Did you ever have conversation with Edward Phelps in regard to this business? A. I don't know who he is and never heard of him.

Q. While you were in Albany were you ever advised it would be well to see either of those gentlemen? A. No, sir.

Q. Or Mr. Edwards? A. I don't know him.

Q. Did you have any conversation with Thomas Stevens in Albany? A. I don't know him.

Mr. WAEHNER — Now, the bill, it appears on page 187 of the senate journal, April 7, 1871, came from the house to the senate, and I will read that part.

"An act to amend an act entitled 'An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the marine hospital, passed April 15, 1853.' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on municipal affairs."

Now, it appears upon an examination of the journal made by myself that there was no adjournment of the senate during that day up to the time that the following appears upon the journal:

"Friday, April 7th" (page 802 of the senate journal.) "Mr. Tweed, from the committee on municipal affairs, to which was referred the municipal bill entitled An act to amend an act entitled An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the marine hospital, passed April 15, 1853,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole." * * *

"Monday, April 10, 1871" (page 814 of the same journal.) "Mr. Tweed, from the select committee of nine, reported, among other bills, the assembly bill entitled 'An act to amend an act entitled An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the Marine Hospital, passed April 15, 1873.'"

Now, on the 12th day of April (page 884 of the same journal) the following appears:

"The assembly bill entitled 'An act to amend an act entitled An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the Marine Hospital, passed April 15, 1853,' was read a third time.

"The president put the question whether the senate would agree to the final passage of the said bill, and it was decided in the affirmative, a majority of all the members elected to the senate voting in favor thereof, and three-fifths of said members being present, as follows — all voting in the affirmative; ayes, 23; nays, none.

"Ordered, that the clerk return the bill to the assembly, with a message informing them that the senate had concurred in the passage of the same without amendment."

At another page it appears the bill was duly returned to the assembly, and sent to the governor's office.

By Mr. WAEHNER:

Q. Now, in view of this new light that we have in relation to this bill, will you state whether you ever had a conversation with Mr. Tweed or Alexander Frear of the city of New York in relation to that bill? A. I will state that I never did.

Q. Or with any person coming from either of those gentlemen? A. Nor with any person coming from either of those gentlemen; I never communicated with Mr. Tweed, either directly or indirectly, by letter or verbally.

Q. Did you ever have any conversation, after this conversation that you had with Mr. Creamer in Albany, with Mr. Creamer in the city of New York, or at Albany? A. Never; and you call it a conversation.

Q. That, I think, is what you called it; A. I suppose it was the most casual remark.

Q. Where did you see Mr. Creamer when you had that conversation? A. I think it was in the senate chamber; I believe he was the only man there I knew personally.

Q. Was that after the bill was passed in the assembly? A. Oh, yes, sir; while it was in the senate.

Q. How far had it been progressed in the senate; was it after the report of the committee had been made on it? A. I don't remember

Q. Or before the report of the committee? A. I don't remember; I didn't follow out every little detail.

Q. It was your business, thus receiving so large a fee, to follow out the details of the bill? A. I looked at the results.

Q. You could only accomplish the results through those details?

A. No doubt I followed the progress of the bill at that time; but those little details I didn't.

Q. But they were all necessary to the passage of the bill? A. Yes, sir; and while I swear to the passage of the bill, I swear by virtue of my recollection.

The CHAIRMAN — I hope Mr. Nolan will answer the question that has been put to him; if it relates to nothing but Mr. Nolan's private affairs, he certainly can have no objection; if it relates to other matters which the public will suspect by a declination to answer, why, then, the committee ought to know, for I think I am safe in saying, Mr. Nolan, it is the purpose of the committee to use all the power they possess, and all the power the legislature possesses, to have these questions answered.

The WITNESS — That is all right.

The CHAIRMAN — I think the committee is composed of men that have got as much back-bone as you have.

The WITNESS — Very likely.

The CHAIRMAN — And while they would be very glad to be relieved from the necessity of resorting to harsh measures, still they would be obliged to do it.

The WITNESS — Yes, sir; I adhere to my stand, sir, and take all the consequences.

Mr. ALVORD — I desire to call the attention of the stenographer, in this connection, to page 1494 of the Assembly Journal for 1871, second volume, on the 12th day of April:

"The clerk was ordered to send to the governor for his signature 'An act to amend an act entitled An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the marine hospital, passed April 15, 1853.'"

The CHAIRMAN — You have repeated, Mr. Nolan, two or three times, that this matter for the last three or four years has been a subject of annoyance to you by being a subject of conversation or comment in certain quarters; now, it must be evident to you that you have got to a point at which, if these questions are not answered by you, it must be an annoyance to you.

By Mr. WAEHNER:

Q. Will you swear positively that you drew the bill which Mr. Freer introduced? A. That is my recollection.

Q. Is that as positive as you will be? A. I think I drew the bill; my bill may have been copied.

The CHAIRMAN — If you handed it to a member to introduce, it never was copied.

By Mr. WAEHNER:

Q. You say you did hand it to a member? A. That is my remembrance.

Q. Did you hand him the bill in the assembly chamber, or outside of the assembly chamber? A. I don't recollect; hand who?

Q. The member? A. I don't remember where; I don't recollect; I would like to make one statement, if you will permit me.

Q. Certainly? A. I desire to state that I never spoke to anybody connected with the legislature of 1871, privately, prior to its passage in the assembly, except to that member to whom I recollect giving the bill, and that my best recollection is that I appeared before the committee, although I may be there mistaken, and that I spoke to no one in the senate privately, with the possible exception of Mr. Creamer, and that I never agreed in Albany, or elsewhere, to pay to anybody connected with the legislature one penny of the moneys which I was to receive from the steamship companies.

By Mr. ALVORD:

Q. Connected with the legislature or anybody else? A. I won't state that.

Q. I want you to state that? A. I won't do it.

Q. You refuse to state that? A. Yes, sir; and that if any ulterior influences operated to secure the passage of the bill, either in the assembly by Mr. Freer, or in the senate by Mr. Tweed, neither of those gentlemen, or anybody coming from those gentlemen, had ever exchanged a word with me upon the subject.

Q. Did you not swear distinctly and clearly and unmistakably to me upon an examination which I had the pleasure to have of you a few moments ago that no one inside or outside of the legislature, with the exception of Mr. Nolan, to the extent of $3,500 put by him to the credit of the firm of Nolan & Wilson, ever received a dollar of these moneys? A. Do I say now that anybody has?

Q. You just now refused to answer whether any other ones were interested with you in these matters; I ask you to answer whether you answered me so? A. I believe I did.

Q. I ask you now again, distinctly, did you, either before or since, or at the time — any time since the inception of this matter, ever pay one single dollar of this money that you got, or ever promise to pay to any other individual any thing except yourself to Mr. Wilson? A. I decline to answer; your question was not quite so comprehensive as that in the other case.

Q. My question in one case was as broad as it was in the other; you say you appeared before the committee who had this bill under consideration in the senate? A. Yes, sir.

Q. You are positive of that? A. That is my remembrance.

Mr. ALVORD — Damn your remembrance; I want your positiveness.

The WITNESS — You cannot have my positiveness.

Q. But your remembrance? A. Yes, sir.

Q. Don't you know the committee on municipal affairs never had a meeting in the capitol? A. I don't know any thing about it.

Q. Did you ever appear before the committee in the Delavan House? A. Yes, sir; I did.

Q. When? A. In 1870.

Q. Did you ever in 1871? A. I do not remember.

Q. I don't ask you whether you remember; I ask you whether you did? A. I do not remember that I did; that is a proper answer to such a question.

Q. No, it is not; did you appear before a committee in 1871? A. I cannot remember.

Q. Did you appear before any committee in 1871? A. I have answered about ten times over, that I believe I did.

Q. I want you to answer me again; did you appear before the committee of the house in 1871, or of the senate, either? A. That is my recollection.

Q. Now, that is your recollection? A. Yes, sir.

Q. I ask you, did you appear before a committee of the legislature in 1871, in either branch? A. I will not answer; I have answered five or six times.

Q. I want you to answer again? A. I won't do it.

Mr. ALVORD — You are heaping up these things badly.

The WITNESS — I am going to stand by my position; I may be wrong in my recollection.

Q. Do you recollect appearing before the committee? A. That is my recollection.

Q. Do you recollect appearing before a committee, any other than in the capitol in 1871? A. I forget where I appeared before a committee; I think it was in the capitol.

Mr. WAEHNER [to Mr. Alvord] — I think Mr. Nolan awhile ago was desirious of answering the question you put, when you interrupted.

By Mr. WAEHNER:

Q. The governor asked you a question, and now I ask it, whether you appeared before any committee in 1871, at the Delavan House? A. I don't remember where it was.

Q. Did you, or not, appear before a committee of the legislature in 1871, which was held at the Delavan house? A. I don't remember

whether it was at the Delavan House that I appeared before the committee.

Mr. WAEHNER — Refresh your memory; it would be a rather extraordinary thing if a committee of the legislature did meet at the Delavan House.

The WITNESS — I appeared before a committee at the Delavan House in 1871.

By Mr. ALVORD:

Q. What committee? A. The judiciary committee.

Q. What judiciary committee? A. I think Mr. Thomas Fields was chairman.

Mr. ALVORD—I am not going to be a witness, or to say you tell a lie.

The WITNESS — I don't tell a lie.

Mr. ALVORD — I say the committee on the judiciary in 1871, never met at the Delavan house.

The WITNESS — I know you are wrong.

The CHAIRMAN — How could you meet the committee of 1870, and not the committee of 1871?

The WITNESS — I don't know.

Q. The committee of 1870 was unimportant to you, and the committee of 1871 was a very important matter to you; it appears here, inferentially, that you are the assistant district attorney? A. Yes, deputy assistant district attorney; I will not be to-morrow, because I resigned to-day.

By the CHAIRMAN:

Q. That position is a responsible one in the city of New York, is it not? A. Yes, sir; very.

Q. That position required you to prosecute a large class of offenders committing breaches of the law? A. Yes, sir.

Q. Many indictments were intrusted to your care and keeping, I suppose? A. Yes, sir, that is so.

Q. Now, Mr. Nolan, with the record that we have of the legislative proceedings, that this bill was introduced in the morning, as the record of the assembly shows, and passed without any aid of yours, and in the senate was passed without any aid of yours — would have passed, it seems the same, as if you had not been there; now, do you regard it as an honorable transaction to take this large amount of money out of these men for the passage of a bill occurring as this did? A. You assume all the time that I did nothing.

Q. I must assume it, and every one must assume it; do you so regard it? A. I won't answer it, because you ask me a hypothetical question which does not exist in my idea.

Q. I ask you a question founded upon the records of the assembly? A. They are not always correct, as we know.

The CHAIRMAN—I don't know it.

The WITNESS—Very well; then people are slandered.

By the CHAIRMAN:

Q. Now, can you reconcile it with fair and honest dealings, to take this large amount of money out of these men under these circumstances? A. I say, yes.

Q. A man receiving money under such circumstances, would it affect his official action in any other department? A. I decline to answer that.

Q. You say that you resign to-morrow? A. I will take that back; it is a slanderous and most abominable thing.

The CHAIRMAN—The slander you make yourself.

The WITNESS—Not at all; I want to put my statement down there.

By Mr. ALVORD:

Q. Do you undertake to say here that the record of the legislature of the State of New York is made up intentionally for the purpose of showing that you have not told the truth? A. No, sir.

Q. Then what do mean by slander? A. You are now arguing with me, and I am arguing with Mr. McGuire, the chairman.

Mr. ALVORD—No you aint.

The WITNESS—And if you have me testify, and ask me for facts, and not put hypothetical questions to me, I will answer you.

By Mr. WAEHNER:

Q. You know these journals we have read are records of the proceedings stated? A. Yes, sir.

Q. And are to be accepted as true and correct, as stated there? A. Yes, sir; I would be obliged to you if you would request the gentlemen of the press to withdraw that impulsive suggestion about my resignation; if any influences operated upon parties connected with the then-called ring in the city, I had no connection whatever with them; the steamship companies were more anxious to secure my services to secure the result than I was to offer them, and it was not until after a good deal of hesitation that I consented to embark in the business; not because I didn't believe it would be successful, but because I was averse to any thing like lobbying; I repeat again that I never engaged or contracted, expressly or impliedly, with any person connected with the legislature of the city of New York of that winter, to pay them a penny of the proceeds, and when I was appointed to my present official station I had proper

explanations made to Mr. Phelps, the district attorney, of my connection with this affair, so that no discredit should attach to him from my appointment, to be corrected by the annual slanders about the whole thing; I have given my testimony according to my best recollection; I may err in details, but, in the main, except as to the distribution of the moneys, which I decline to explain, every word is correct, honest and truthful.

By Mr. ALVORD:

Q. I want to ask you again, not for the purpose of putting you upon the gridiron, but for the purpose of public justice, didn't you distinctly say to me that you never paid a dollar of that money to anybody, except Mr. Nolan, with the exception of $3,500? A. I said all the money went to me; how it was distributed subsequently I didn't state.

Q. That was a matter of reservation? A. Yes, sir.

By Mr. WAEHNER:

Q. Was there any distribution of this money? A. I decline to answer.

By Mr. ALVORD:

Q. I want to ask you one other question connected with your last statement, and with the same view; I have not any feeling against you; I don't know whether you are a republican or a democrat, and I care not; you say you were sought after by the steamship companies instead of your seeking them? A. Yes, sir.

Q. Are we to credit or discredit the testimony of the steamship companies, when they say you sought them instead of they you? A. I never saw any agent of the steamship companies before this contract was made, except Mr. Dale.

Q. Are we to discredit the testimony they gave, that you sought them instead of they seeking you? A. That is for you to determine.

Q. You say positively the initiation of your engagement in this matter was upon their side, and not upon yours? A. Yes, sir; I say so, positively.

Q. Did Mr. Richard O'Gorman ever have any interest, direct or remote, in your action? A. Not in the slightest degree, and I never communicated with him, either before the passage of the bill or subsequent to it.

Q. I am talking about pecuniary? A. No, sir.

Q. Did Mr. Bernard Casserly? A. No, sir.

Q. Do you have the same strength of statement as you did in the case of Mr. O'Gorman? A. Yes, sir.

Q. Did Daniel Casserly? A. No, sir; I told you once before I knew very little about that man.

[Question repeated.]

A. No, sir.

Q. I want to state now that you must answer these questions I ask you, taking your standpoint upon the answer of the O'Gorman case; did Mr. Rudd? A. No, sir.

Q. Did any member of the commission of emigration? A. I decline to answer that question.

Q. Did Alexander Frear? A. I decline to answer that.

Q. Did James W. Husted? A. I decline to answer that.

Q. Did Patrick H. Jones? A. I decline to answer that.

By Mr. WAEHNER:

Q. Did James B. Nicholson? A. I decline to answer that.

Q. Wm. Barr? A. I don't know any thing more about Mr. Nicholson or Mr. Barr than I do about the man in the moon; I said before, as far as the distribution of the money was concerned, I won't give the committee any information about it.

By Mr. ALVORD:

Q. You have answered about Mr. O'Gorman? A. Yes, sir.

Q. Why did you answer about him and not the others? A. I should not have answered that at all.

Q. You are a little impulsive, are you not? A. Oh, no, I am very unimpulsive.

Q. Why did you answer in regard to Mr. O'Gorman and not in regard to the others? A. It almost made me laugh to answer the question.

Q. Does it make you laugh to answer the question in regard to Mr. Husted? A. I had nothing to do with Mr. Husted.

Q. William M. Tweed? A. No, sir, I decline to answer.

Q. In regard to Addison G. Rice? A. I decline to answer.

Q. In reference to any further payment to Mr. Wilson, beyond the $3,500 that was put in the business? A. I decline to answer.

Q. A. D. Barr? A. I decline to answer.

Q. Charles Edwards? A. I decline to answer.

Q. James Stevens? A. I decline to answer.

Q. Edward A. Phelps? A. I decline to answer.

Q. Now, I will ask you one further question, that I desire you to answer, if you will, predicated upon the idea that you received $40,000 from the steamship companies; how much remains in your pocket as the legitimate result of your labors? A. I decline to answer.

By Mr. WAEHNER:

Q. You stated awhile ago, or you volunteered the statement, that when you were appointed to your present position, satisfactory statements were made to Mr. Phelps, so as not to reflect any discredit upon him by your appointment — something to that effect? A. Yes, sir.

Q. Why were those statements necessary? A. I have told you that this is a matter of annual discussion, and it is something that has always irritated and galled me.

Q. Who were the persons that made satisfactory explanations? A. Horace Russell, assistant district attorney, and a very long-time friend of mine.

Q. Anybody else? No, sir.

Q. Mr. Dale? A. Oh, no.

Q. Any person connected with legislation? A. Nobody else but him.

Q. Didn't Patrick H. Jones? A. No, sir; Mr. Jones had no more to do with my appointment than Mr. McGuire.

Q. Did he make any statement? A. No, sir; Mr. Phelps had unbounded confidence in Mr. Russell, as Mr. Russell had unbounded confidence in me, and it would be unnecessary.

Q. Had you at any time any business transaction with Mr. Russell? A. Never; we were young men grown up together.

By the CHAIRMAN:

Q. The statement made to Mr. Phelps, did you hear it? A. I did not.

Q. What did Mr. Russell know about it further than what you told him? A. What I told him.

By Mr. WAEHNER:

Q. And he went to Mr. Phelps and told him exactly what you told him? A. I think so; I think that is exactly what he would do.

By the CHAIRMAN:

Q. Then you told Mr. Russell, in substance, what your first examination here was? A. Yes, sir.

Q. That you went to Albany, and this was a contingent fee? A. Yes, sir.

Q. And if you succeeded in getting the bill passed you were to have this fee? A. Yes, sir.

Q. And if not, nothing? A. Yes, sir.

Q. And I suppose you impressed Mr. Russell with the belief that it was through your efforts, and yours exclusively, that it was passed? A. No, I didn't.

Q. Well, substantially that? A. I told him what I did, and let it go at that.

Q. You told us at the commencement of your examination that there was an indifference in the legislature. A. Yes, sir.

Q. And the bill was introduced and laid there? A. Yes, sir.

Q. And no one seemed to take any interest in it? A. That was my recollection.

Q. Until you went to Albany and got members of the legislature interested in some way? A. I meant to say —

Q. That I understood to be your statement; that, in substance, you communicated to Mr. Russell, I suppose? A. I suppose so; I communicated to him the truth of the affair, whatever it was; what I intended to say was, that the passage of the resolution by the commissioners of emigration was not calculated to secure the passage of a bill, unless some one took a personal interest in it — unless the machinery of the law was put in operation.

Q. It seems one of the commissioners of emigration was the man that took an interest in it? A. Well, it was very appropriate he should, if he did.

By Mr. WAEHNER:

Q. Didn't you give him the bill to introduce? A. I don't recollect; I don't believe I did.

Q. Refresh your memory? A. My memory is no better now than when I answered.

By Mr. VOSBURGH:

Q. Were not the steamship owners, or the agents of the steamship companies, given to understand that unless they paid this twenty-five cents a head the bill would not become a law? A. No, sir, I know nothing about that; other people may have done it; I certainly did not; I was a very young man, but I would not deceive them for all the steamship lines.

By the CHAIRMAN:

Q. It don't appear from the testimony the time this arrangement was made by you with the steamship companies? A. I don't recollect, but I think it was in March or April; there was some little time taken to get the signatures of all the lines.

Q. Now, after hearing the journals of the respective houses read, is it your impression still that you went to Albany and made an argument before the committee, and was there four or five days, and then returned and made this arrangement with the steamship companies as to compensation? A. That was my recollection at the time.

Q. After hearing the journal read, do you still adhere to that? A. No, sir; I suppose I was wrong; I think it very likely the arrangement was made before I went to Albany the first time, but then those little things will slip any man's mind.

The CHAIRMAN — Well, I don't know; I don't think they would slip mine.

The WITNESS — You have got a more tenacious memory than I have, Mr. McGuire.

By Mr. WAEHNER:

Q. Your profession and your present office require a good memory to recollect the facts in cases you try daily? A. Yes, sir; I pick up facts very quick.

Q. You require to have a pretty good memory to carry on the business of your office successfully? A. Yes, sir; I require it.

The CHAIRMAN — It is very evident Mr. Nolan has considerable of a memory, because he can tell us in 1870 in regard to the assembly bill all that he talked with, even to a casual conversation with Governor Alvord.

The WITNESS — In respect to that impulsive statement of mine about resigning, I hope the gentlemen will not put it in their reports.

The CHAIRMAN — That will be stricken from the report.

By Mr. ALVORD:

Q. Did you pay any portion of this money directly or indirectly to Alexander Frear? A. I will decline to answer that, and will decline to answer any question in regard to the distribution of money.

Q. You don't put Mr. O'Gorman in it? A. That question is too absurd.

Q. You didn't decline to answer in the case of Mr. Tweed? A. It is too absurd, for I never spoke to Mr. Tweed.

[Mr. Alvord suggested that Mr. Nolan be notified that the committee will require his attendance at Castle Garden on the morning of each day that he will find by the morning papers that the committee are in session, and that he be notified that he is not discharged from being a witness.]

On motion of Mr. Waehner the committee went into executive session, and after executive session the following proceedings took place:

The CHAIRMAN — Mr. Nolan, the committee desire me to ask you if you still decline to answer the questions which you have already declined to answer?

The WITNESS — Yes, sir; I still decline.

The CHAIRMAN — Such is your determination, not to answer?

The WITNESS — Yes, sir.

The CHAIRMAN — The judgment of the committee, Mr. Nolan, seems to be that you appear here on Monday morning at half-past ten o'clock, and the committee then will take such action as they deem advisable.

The WITNESS — Yes, sir.

Mr. WAEHNER — I move that this committee take a recess until Monday morning at half-past ten o'clock.

Carried.

Mr. ALVORD — That is with the understanding that Mr. Nolan will be a witness before us on Monday morning.

The WITNESS — Yes, sir; I will take legal advice, and if I am obliged to appear before the committee I will appear, and if I am not I will not appear.

On motion the committee adjourned to met at Castle Garden on Monday, July 26, 1875, at 10:30 A. M.

NEW YORK, *July* 26, 1875.

The committee met pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Gedney and Waehner.

Michael Nolan recalled:

By the CHAIRMAN:

Q. Mr. Nolan, what is your determination this morning? A. I would be very glad if the committee would allow me to make some few corrections in my testimony, and I have something further to state.

Q. I understood, on Saturday, there were certain questions asked you, which you took until this morning to determine whether you would answer or not? A. In that respect I stand to my old position, with the utmost possible respect to this committee; I have been somewhat a petulant witness, but it is the first ordeal of the kind I went through, but I did not intend any disrespect to any one of the committee, or the committee generally; I think I am right, and stand here and shall take all the consequences.

Q. The committee understand, then, that you decline to answer the questions which were put to you on Saturday? A. Yes, sir.

Q. You say that you desire to make some explanations; do these explanations relate to the reasons why you decline? A. No, sir; they do not; they are facts.

Mr. WAEHNER — I would suggest Mr. Chairman, that this is a

matter affecting Mr. Nolan; it affects the community, and if Mr. Nolan is accorded by the committee the liberty to explain any of the matters testified to by him on Saturday, it would be nothing more than fair than that Mr. Nolan should have an understanding with the committee, that, as far as these explanations may be matters of fact, the committee should have power to examine him in relation to each one as the explanation is made.

The WITNESS — Yes, sir; that is fair; that I am perfectly agreeable to.

The CHAIRMAN (to the witness)—I am willing to accord every thing to you that is consistent, but it seems to me when a witness sets a committee at defiance, and is in contempt of the order of the legislature, that he is not in any good position to be asking any favor of the committee.

Mr. WAEHNER—That is the reason I made the suggestion that, so far as the explanation is concerned, Mr, Nolan should accord to the committee the right to object to any explanation made in relation to the facts stated, or declination to answer any question.

The WITNESS—I will not decline to answer any question except in regard to the matters I formerly declined to answer, and these explanations I make are in response to the committee, which I have fully informed myself, however, in regard to.

Mr. ALVORD—I don't think you need to apologize to the committee at all for any action on your part, so far as it regards the committee, or the individual members of the committee, except to apologize for the fact that, in disregard of a certain resolution of the assembly of this state, and except in my humble opinion you disregard your future, that, as far as I am individually concerned—and, I think, every member of the committee—nothing that transpired here on Saturday can, by any possibility, as far as you are concerned, affect us in any way, as far as any insult is concerned.

WITNESS — I have been informed I was right, sir, and that is the reason I stand and adhere to my resolution; it may be possible that I have been badly advised.

The CHAIRMAN — That is a matter of taste altogether.

Mr. ALVORD [To Mr. Waehner] — The committee understand that we can examine Mr. Nolan *in extenso* in regard to any statement he makes.

Mr. WAEHNER — Yes, sir; otherwise I shall ask that the matter be stricken from the record.

The CHAIRMAN [to the witness] — Make any explanation you desire.

The WITNESS — I am reported by the newspapers to have testified that I had a private interview with Senator Creamer in the senate chamber at Albany; I do not recollect to have testified in that way; a pri-

vate interview means a great deal more confidential intercourse than I had with Mr. Creamer at that place; my remembrance is, I spoke to him casually in the senate chamber, and without the slightest privacy or confidence between us; in respect to the person to whom I gave the bill, as I testified, I desire to state to the committee that I was in Albany for three successive years on business connected with the steamship companies in this city, and that it was Mr. Nelson, of Rockland county, that introduced the first bill, in 1870, in relation to the suppression of emigrant swindling here, by the successful passage of which I secured the confidence of the steamship companies, and which, without a doubt, led to my ultimate selection, in 1871 and 1872, for the business of reducing the head-money; I may have confounded the person who introduced the first bill with those who introduced the second, that is to say, the bill in 1871, I think now it was Mr. Frear to whom the bill was given in charge; that is my best recollection; that is all I have got to say about that; as to the amount of money received I find upon looking over my books that it was somewhat in excess of the amount I stated, both as to 1871 and 1872; I desire to say one word about the steamship companies, and I hope they will hear it.

Q. In connection with that do you desire to state the amount? A. I have not got the precise amount, but I will get the precise amount and send it to the committee at the very earliest possible moment, upon looking over my books; the steamship companies have not acted with what I conceive to be an honest frankness in this matter.

Mr. ALVORD — Is this a speech, or is it evidence?

The WITNESS — No; it is evidence.

Mr. ALVORD — I don't think it is evidence.

The WITNESS — The contrast that I made has been a continuous contract, as I understand, with the steamship companies for 10 years past.

By Mr. WAEHNER:

Q. Do you mean to say the contract in 1871 was to run for 10 years? A. No, sir; but I mean to say a like contract with that was made with firms of the utmost respectability in this city, as I am given to understand, and the steamship companies can explain and tell the truth; I say this was not an exceptional movement to raise a large sum of money for the purpose of corrupting the legislature, but it is something that was annually done by these same steamship companies.

By Mr. ALVORD:

Q. I take exception to your statement; you say this was not any exceptional movement to raise large sums of money for the purpose of corrupting the legislature; I understand you to say not a dollar

went to that legislature for the purpose of affecting the action of the legislature on this bill? A. That I say.

Q. Why do you say it was raised for the purpose of corrupting the legislature? A. I did not say so; the implication is that so large a sum of money was intended to corrupt the legislature; I say that intention is rebutted entirely by the consideration that the companies were in the habit of making such contracts with other lawyers in this city, that it was not an exceptional thing at all, but they never succeeded before this year.

The CHAIRMAN [To the witness] — I must except to your stating, upon information, in regard to the action of the agents of the steamship companies in years prior to the transaction, unless you give us the names of the persons from whom you received your information, because I can see the *animus*; the agents of the companies appeared here on the stand and testified to a transaction with you; I can very well see the *animus* is to throw mud back on those agents.

The WITNESS — I am not going to do so.

The CHAIRMAN — Unless you give us the sources of information that must be expunged from the record.

The WITNESS — I don't remember them.

The CHAIRMAN — It is unjust to the agents of those companies to attack them in this secret and clandestine way.

The WITNESS — You entirely misunderstood me; I do not propose to attack the companies.

The CHAIRMAN — You do.

The WITNESS — I propose to protect my character and the character of the legislature.

The CHAIRMAN — What I object to is protecting your own character by attacking others.

The WITNESS — Oh, no, sir.

By Mr. WAEHNER:

Q. You say that you have this information? A. Yes, sir.

Q. Now, as a man of intelligence, you ought certainly to be able to tell us from what source you derived that information? A. I think I derived that information when the first investigating committee on these matters sat right in this room, in 1872, I believe.

Q. That is as to the time you received the information; who was the person, or from what source did you receive the information, or did any person communicate it to you; was it any steamship agent that communicated it to you, or any person connected with them? A. I believe there was a remark made by some one, whom I cannot now recollect, to the effect, that this contract had been made the year pre-

vious, and I will give you the name of the firm, as I understand it, without, in the slightest degree, wishing to implicate that firm.

Q. That is for the year 1870? A. Yes, sir, as I believe.

Q. Let us have the name of that firm? A. I think it is Devlin, Miller & Trull.

The CHAIRMAN — You must be particular in your statement, because it was only in 1867 the head-money was raised, so it could not have been 10 years.

The WITNESS — Well, I am giving an opportunity to the steamship companies to explain this away; I am telling you what I know about it, and am acting in perfect *bona fide*.

By Mr. WAEHNER:

Q. That is a very serious charge you make against the companies; who was it that gave you the infomation that Devlin, Miller & Trull had been engaged in the interest of the steamship companies in the same manner that you have been engaged? A. I think it was Gen. Jones that I got that information from, after the first investigation sat here.

Q. Did any one else give you the information? A. I don't recollect at this distance of time whether there did, or not.

Q. That is Patrick H. Jones, your former partner in business. A. Yes, sir; I think that this explanation is due to the legislature, as well as to me, because if the steamsphip companies were willing to pay a larger amount of money the year previous, and the bill did not pass, it showed that the legislature certainly was not animated by any corrupt motive.

Q. That is a matter of argument; now, proceed with your explanation as to facts in explanation of what you have stated? A. I believe I stated to the committee before that this matter had been agitated for four years, and had been formerly investigated by a committee appointed by the legislature.

Mr. WAEHNER — That we have cognizance of.

The CHAIRMAN — It is not fair to say that they have been investigated; the former committee simply examined Mr. Williams, and there stopped, and only asked him a very few questions; they seemed to be thinking they were going to find out something, and then they stopped.

The WITNESS—I don't know, committees differ some times; I don't know what their purpose was; I should be glad to see how the gentlemen reporters have down what I said in regard to bribing legislators, because I don't want to be misunderstood on that point.

By Mr. WAEHNER:

Q. Your statement is this, that money, had been raised in some way

by the steamship companies and paid to counsel before, as in your case? A. No, sir, but the same contingent contract had been made by the steamship companies with other lawyers before that.

Q. But you don't say that that money was raised for the purpose of influencing legislation? A. No, sir, and it rather rebuts the proposition that this was an exceptional raising of so much money to corrupt the legislature; that is the idea that I wish to convey.

Q. Have you any further explanation of the evidence given by yourself last Saturday to offer? A. Yes, sir; I have; I reiterate again that I never made a bargain or promise, expressed or implied, to or with any member of the legislature, or anybody officially connected with the commissioners of the legislature, to pay them any money on this contract.

Q. Any thing else? A. That is all.

Q. Now, Mr. Nolan, in pursuance of the arrangement which you made, and in view of the last statement which you made, that you had never made any promise, expressed or implied, with any member of the legislature, or with any person officially connected with the commission of emigration, to pay him any money; I now ask you, as a fair question, by way of cross-examination, whether or not you did pay or lend any money to any member of the legislature in the year 1871, or present him with any such sum? A. No, sir; I did not.

Q. Did you pay, lend or present to any member, officially connected with the commissioners of emigration, any sum of money? A. I decline to answer that; that is connected with my former denial.

Q. Hardly, because you have opened the question; I told you I intended, if you made any statement in regard to that matter, to cross-examine you, otherwise to expunge that statement from the record? A. Well, sir, I cannot help what the result is; I suppose I have the privilege in the same way, under cross-examination, that I had before.

Mr. ALVORD — I doubt whether that is a privilege.

The WITNESS — You ought to know, I suppose, a great deal more about this than I, but I have the impression it is, and I think it is.

Mr. ALVORD — I am not a lawyer, nor the son of a lawyer, but I doubt whether it is a privilege.

The WITNESS — Most lawyers adhere to it.

Mr. WAEHNER — You, as a lawyer, understand that if you give any explanation of any fact which you testified to, that it would be the right of the committee to cross-examine you in relation to it; you volunteered one statement which you declined to answer last week; the question was put to you last week, and you declined to answer it; I asked you whether you paid any money to the legislature? A. That was not the form of the question; I was asked whether I paid any

money to a series of persons, and I put them all in the same category and answered in regard to them.

Q. You volunteered the statement that you did not pay any money officially to any member of the legislature, and why do you qualify it with the word "*official*"? A. I decline to answer the question.

Q. Why do you qualify your statement as to "officially connected" with the commissioners of emigration? A. Well, sir, I think it possibly might be within the scope of the power of this committee to inquire whether or not I did pay to members of the legislature this raised money, or did pay to any one connected with the commissioners of emigration this raised money, but I don't believe it is within the scope of the power of this committee that they should inquire to whom I paid that money, if I did not pay it to persons under the obligation of official oaths and stations.

By Mr. ALVORD:

Q. Let me ask this question, to show you where you are wrong, you are bound, in my humble opinion, to show every dollar you paid to every individual connected with this transaction, for the individual may have been a servant or agent of yours, for the purpose of affecting the legislature, or the official positions of the commissioners of emigration, and in that view there can be no sort of question but you are bound to answer the question? A. I will answer the question in this way to meet your objection, that I never have paid any of these moneys to anybody as my agent, servant or employee to influence the legislature in its action upon either of these bills.

Q. Then I will ask another question in connection with this, have you ever paid any of these moneys over to your principal of whom you were the agent? A. I do not happen to have been the agent.

Mr. ALVORD — I ask you that question.

The CHAIRMAN — The committee have a theory about this, Mr. Nolan, in which they, from all the testimony in the case, are of the opinion that you were only the agent of some person whose name you decline to answer.

The WITNESS — Yes, sir.

The CHAIRMAN — If it had been a smaller man than you, you undoubtedly would have mentioned his name mighty quick; but because it was a more prominent man than you is the reason you decline to answer for his protection; this is the theory of the committee, but it may be wrong.

By Mr. ALVORD:

Q. How much of this money, outside of the $3,500 which you placed into the joint copartnership of Wilson & Nolan, did you personally

and individually realize and enjoy A. I must decline to answer, with the greatest possible respect.

By the CHAIRMAN:

Q. Will you decline to answer this question which I will put to you; the sum of $3,500 which you testified on Saturday you passed to your credit, or charged yourself, rather, on the firm books, whether that was not all the money you in fact received out of the sum which you got from the different companies? A. No, sir.

Q. That is that you retained yourself? A. Oh, no, sir.

Q. Now, in connection with that, will you swear you did not pay all over and above $3,500 to other parties? A. I will not; I will swear that I did not pay it.

Q. Will you testify how much of the $40,000, $50,000, or $60,000, whatever the sum was, you did pay to other parties? A. No, sir; with the utmost possible respect I decline to answer that.

Q. In your declination to answer, do you mean to convey an implication that you did pay money to other parties? A. I decline to answer that question, too, sir.

By Mr. ALVORD:

Q. Now you have declined to answer the question how much inured to your own private benefit; I will ask you whether the money which did not thus inure to your private benefit, but went into the hands of other parties — were these moneys paid for aiding and assisting you in the passage of this act you spoke about? A. I decline to answer.

By the CHAIRMAN:

Q. Did you pay any sum to any person for aiding in the passage of this law? A. Aiding and assisting me?

Q. Yes, aiding, assisting or advising about its passage? A. No, sir.

Q. Then, what did you pay this sum of money to other parties for? A. I have not said directly that I did pay any; the cross-examination is rather cute; I am not among the subtlest of witnesses.

Q. I understand that you have not said directly that you did pay any sum of money? A. No, sir.

Q. But I do understand indirectly that you have so stated? A. That is a matter of implication and judgment; I say I decline to answer those things.

Q. Now, I will put you a question upon assumption; assuming you did pay money to other parties, for what was that money paid? A. You must really excuse me; you see it is an assumption I ought not to tolerate, inasmuch as it is against the current of my evidence.

By Mr. ALVORD:

Q. Do you believe in majorities? A. Well, yes, sir, I do.

Mr. ALVORD — Well, I will take the opinion of these reporters as to whether you did not testify that you paid out some of this money to others than yourself.

The WITNESS — In terms, yes.

By the CHAIRMAN:

Q. Do you, or do you not answer this last question? A. No. sir, I do not.

Q. I will repeat it; assuming that you did pay money to other parties, for what was that money paid? A. With every possible respect to the committee, and to you personally, sir, I must decline to answer it.

By Mr. WAEHNER:

Q. As you collected this money from time to time upon the arrival of the different vessels, did you pay any share or percentage of it to any other persons? A. I must decline to answer that, sir,

Q. Did you pay any share or percentage of this money as you collected and received it, to any persons officially connected with the commission of emigration at that time? A. I say emphatically, no.

Q. Did you pay to any person who had been officially connected in the year 1871, any share or percentage of these moneys as you collected them? A. I must decline to answer that.

Q. I think, in justice to yourself and other parties, you ought to answer that question; now, you have excused every member of the commission except one; this question points to one person, and you leave that person, in your refusal to answer, implicated in the receipt of the money?

The WITNESS — Mr. Chairman and Mr. Speaker, I will tell you why I make these answers; in so far as I am asked whether I have paid any money to any persons under the obligation and sanction of official stations, I am ready and willing to answer: the moment it comes down to the inquiry as to how I distributed those, somewhat unluckily acquired moneys, it having turned out so, among private

persons who had no official stations at all, then I decline to answer, with the utmost possible respect to the committee.

Q. That is a question of importance to you, and to the public, and to other parties, whose names were not necessary to answer; there were parties in the year 1871 connected with the commissioners of emigration, and were so connected until very near the time of the introduction of the resolution of this board asking the reduction of the head-money; the question is, did you pay, upon the receipt of this money, any part of it to any person officially connected with this board during the year 1871? A. I quite understand the question, and with the utmost respect to the committee, I again decline to answer the question, upon the grounds I have already stated.

By Mr. WAEHNER:

Q. In the year 1871 did you keep books of account? A. Yes, sir, I did.

Q. In which you entered all the receipts of this money by yourself? A. I did, sir.

Q. Did this book also contain items of account showing to whom you paid these moneys? A. No, sir.

Q. Where are those books now, sir? A. I don't know; I think I can find them.

Q. When did you see them last? A. Oh, not in three years; I don't know but what I destroyed them.

Q. Did you preserve those books — keep them? A. No, sir.

Q. What did you do with them? A. I don't know; I don't remember.

Q. Have you burnt them or destroyed them? A. I think I did, yes, sir; I don't like to have old lumbering papers around me.

Q. Did this book, or did those books of account contain any other account except this account concerning the matter of the steamship companies? A. Yes, sir, I think it was a sort of memorandum book; it was not a formal book of account; I never kept a formal book of account in my life.

Q. Was it an annual memorandum book or diary? A. Yes, sir; I don't know but what there were ledger columns in it.

Q. That is the only book you kept? A. Yes, sir.

Q. Were any of those entries made, except the entry of the $3,500, in these books of Wilson & Nolan? A. I don't believe there was any entry of disbursements made.

Q. Did you charge the firm with the expenses you had incurred

in going to Albany? A. I did not; indeed my expenses were very slight.

Q. You have stated you refreshed your memory from certain memoranda as to the facts which you testified to last Saturday? A. Yes, sir.

Q. What memoranda did you refresh your memory with? A. I had a sort of scattered memorandum; I looked over a lot of papers I had, and found out something from them.

Q. You stated, in the early part of your examination, that you would inform this committee as to the actual amount of money you received from the steamship companies, by reference to certain memorandums or books? A. Yes, sir.

Q. What memorandums or books are those you intended to refer to? A. I don't know; I will have to make search and see what memorandums I have got.

Q. Did you keep any memorandum or book other than those you have already referred to, in which you kept the amounts you received from the steamship companies? A. I don't know; probably I did.

Q. Did you or did you not? A. I cannot tell; I will search and find.

Q. Will you produce this memorandum or book before the committee which shows this account? A. I will if I have it.

Q. In what manner did you refresh your mind so as to come to the conclusion or think that it was Alexander Frear who introdnced the bill? A. I have been thinking about the matter, sir; I was affected somewhat by the record, and that, added to my remembrance, recalled to me the facts of the transaction.

Q. Would that record operate sufficiently to change your mind as to the statement that you made the other day, that you appeared before the committee on commerce and navigation of the assembly, and made an argument before that committee of about an hour? A. I think I must have been mistaken about that; probably I had in my mind the bill of the year previous.

Q. Would the evidence of the production of the journals be sufficient to contradict you as far as your testimony was concerned in relation to that matter? A. I do not see the drift of your question; will you read that question to me?

Q. That is to say, would the reference to that be conclusive evidence to your mind that you had not appeared before the committee on commerce and navigation? A. No, sir, my impressions are the other way.

Q. Did you have any other business in the city of Albany before the legislature, except this bill, in 1871? A. I did not.

Q. Did you speak to any persons connected with the passage of this bill, either Mr. Burns, Mr. Frear or Mr. Tweed, or any other person in the senate than you testified about last Saturday? A. No, sir, I never spoke to Mr. Burns until long after the passage of this bill.

Q. You testified, last Saturday, that you endeavored to keep the passage of this bill and its introduction as secret as possible from the New York delegation of 1871; in what manner do you reconcile that statement now with your giving the bill to Mr. Frear to introduce? A. I say it is very possible I may have been mistaken about the person to whom I gave the bill; it is four years ago, and the details of this matter have become somewhat stale, except as they are resuscitated year after year by these committees; I have testified *bona fide* in regard to it, and if I am mistaken, all right; I am not the first witness that has been mistaken.

Q. Will you state, since your memory has been refreshed, and it appears to you that Mr. Frear introduced the bill, how you came to Mr. Frear to have him introduce the bill? A. I cannot tell you.

Q. Was it suggested to you by any of the commissioners of emigration that he would be the proper person to introduce the bill? A. I don't remember; I think not.

Q. Was it suggested to you by any person connected with the commissioners of emigration in 1871, that he was the proper person to introduce this bill? A. I can't say.

Q. Is it not a fact that some person connected with the commissioners of emigration in 1871, suggested that he was the proper person to introduce the bill? A. It may have been so; I don't remember.

Q. Did you have any personal acquaintance with Alexander Frear prior to the time he introduced this bill? A. Well, very little.

Q. Had you met him before the time you gave him the bill to introduce? A. I don't know whether I had or not; I think I made his acquaintance in that year; I don't remember precisely the time.

Q. In the year 1871? A. I think so; I may be wrong.

Q. In your capacity, acting as counsel for the commissioners of emigration, did you ever come in contact with Mr. Frear? A. I never spoke to him, sir, because I was right and the record is wrong about Gen. Jones' resignation; he resigned in 1869.

Mr. ALVORD — You are wrong, and the record is right.

The WITNESS — I made inquiries last night, myself.

By Mr. WAEHNER:

Q. I asked you a while ago if you conversed with anybody about the matter of the steamship companies? A. I have not conversed with any one since last Saturday; I looked into Mr. Wilson's books and mine.

Q. Will these books show when Gen. Jones retired as counsel from the commissioners of emigration? [Not answered.]

The CHAIRMAN — The records of this commission show Gen. Jones drew his salary as counsel of this committee up to January 1, 1871.

The WITNESS—You surprise me very much, because I supposed he was disconnected with the commissioners of emigration; as far as his official connection with the commission is concerned — as far as the discharge of his official duties in connection with the commission of emigration are concerned, they ceased in 1869, and I never did a stroke of work for the commissioners of emigration from that day to this; what individual position Gen. Jones had on the books of the commissioners of emigration I don't know, and never inquired about.

The CHAIRMAN — We don't want to have it on our record that Gen. Jones was drawing a salary from this commission when he was not doing any labor; we don't desire to put Mr. Jones in that position. but you by your testimony put him there as drawing a sinecure salary of $5,000 from this commission; you are doing him an injustice.

The WITNESS — I would be very unwilling to do him an injury; I am telling the truth; I never had any connection with the commissioners of emigration since 1869, and my remembrance is that Gen. Jones retired from his position as counsel to the commissioners of emigration during that year; whether I am contradicted by the records I cannot help.

The CHAIRMAN — We have his letter of resignation dated January 1, 1871.

The WITNESS — I don't know any thing about that; that is something he has got to explain.

By Mr. WAEHNER:

Q. In 1871, when you had this bill in charge, did you consult or advise with Gen. Jones in relation to what was to be done to secure its passage in the legislature? A. I may have spoken to him about it.

Q. Can you now state whether you did or did not? A. Yes, sir; I think it is very likely I did.

Q. You think it very likely that you did. A. Yes, sir.

Q. Was it in that conversation that Gen. Jones informed you that Devlin, Miller & Trull had acted in the same capacity for the steamship companies in the year 1870? A. I can't remember that fact, sir; as I said, I thought it was Gen. Jones told me about this matter after

the investigation commenced here the first year; that was my testimony formerly.

Q. Was it not in that conversation that Gen. Jones informed you of this. A. I think not; I think Gen. Jones informed me, not as a matter of positive knowledge, but as a matter of encouragement to me, that I had done nothing that was in itself dishonorable; he said, I believe, the same thing was done by other lawyers, and he believed Devlin, Miller & Trull had the same contract for years; that was the precise remark, for I felt excited and worried about it.

Q. Did Gen. Jones, during the time he was attorney for this commission, at any time advise you that an arrangement of this kind had been made by the steamship companies with other counsel? A. No, sir; I will swear positively that my recollection of Gen. Jones' information being given to me connects itself with the first investigation into this business of head-money right in this place.

Q. You didn't appear before that committee of investigation? A. I did not.

Q. Where was the investigation conducted? A. Right in this room, I believe.

Q. Were you in the city at that time? A. Yes, sir.

Q. And to be found? A. To be found anywhere; that is to say, to be found where I would be likely to be doing my business.

Q. Did you know that it was in progress at that time, and going on? A. I did.

Q. Did you appear here before this committee at all? A. No, sir.

Q. Did you ever attend upon any of the sessions of the committee? A. No, sir.

Q. Then Gen. Jones must have informed you at some other place beside those of the fact that somebody else had been retained as counsel in prior years? A. I think so; very likely.

Q. Then, you not being called as a witness, what understanding was there, or what prompted it, or what was the occasion of Gen. Jones giving to you this consolation, that other attorneys had been appointed and acted in the same capacity—how was it brought about? A. I suppose I must have spoken to him about it—called his attention to the fact; it was a matter notorious at the time, and a matter of very great interest to him.

By the CHAIRMAN:

Q. Was the testimony of Mr. Williams published in the papers? A Yes, sir, *in extenso.*

The CHAIRMAN—Then I must confess my entire ignorance; I never heard of it until I came here.

Mr. WAEHNER—I want to ask you a round question.

The WITNESS — Well, I will give you a square answer.

Mr. WAEHNER — I hope you will.

The CHAIRMAN — You have been around the circle, and now we will get on the square and level.

By Mr. WAEHNER:

Q. Did Gen. Jones and other persons, or Gen. Jones individually, procure for you this employment as counsel for the steamship companies in 1871, and didn't Gen. Jones share with you in the profits of that transaction? A. Well, I decline to answer that, sir, on the same ground as before.

Q. I will divide the question; didn't Gen. Jones or other persons procure for you this employment as counsel for the steamship companies in 1871? A. I think not, sir; I had my dealings personally with Mr. Dale, I think.

Q. I am asking you that question, sir — whether or not Gen. Jones did not procure for you this employment in 1871, as counsel of the steamship companies? A. Not to my personal knowledge.

Q. To your information? A. I have no information on the subject.

Q. Were you ever informed by Gen. Jones, or any other person, that he had procured this employment for you as counsel? A. I don't believe I ever was, in terms.

Q. Were you, by implication, led to suppose that the appointment came through the influence of Gen. Jones or any other person? A. No, sir.

Q. You state that you were never informed, in terms? A. No, sir.

Q. Were you informed in any other way? A. No, sir; my employment was, in a great measure, due to my passing the bill the year previous, I think.

Q. I am not asking what your impression is in relation to it, I am asking you what the fact is? A. Yes, sir.

Q. Whether or not it was through the influence of Gen. Jones or other persons that you were employed as counsel in 1871? A. No, sir; not to my personal knowledge.

Q. Now, I will put the question again, whether, according to any information or any implied understanding that you have on the subject, Gen. Jones, or other persons, did not procure for you this employment? A. No, sir.

Q. You answer positively, no? A. That is my impression, sir.

Q. I should like to have an answer, yes or no, to that question; I want positiveness? A. I don't know, sir, what influences operated to secure my employment by the steamship companies.

Q. You don't know what influences operated to secure your employment? A. No, sir; I do not.

The CHAIRMAN — As Sam Weller would say, it is such a remarkable thing that Mr. Jones should have resigned, and you a few days thereafter be employed as counsel for the steamship companies, that the thing should have happened at that ere time, and that ere place, the coincidence is very remarkable? A. Yes, sir; that is a matter of argument; it is easy to slander, but somewhat difficult to explain at times.

By Mr. WAEHNER:

Q. You have testified that, according to your recollection, Gen. Jones resigned his place as attorney for this commission in 1869? A. That is my recollection, positively and peremptorily.

Q. Will you state now to the committee whether in 1870 or 1871 Gen. Jones suggested to you this idea of being employed as counsel for the steamship companies? A. I think he had nothing whatever to do with my employment to secure the passage of the bill to suppress emigrant swindling.

Q. You testified awhile ago that you did not know what influence operated on that question; I ask you that question in the form I put it, whether in 1870 or 1871 Gen. Jones suggested to you that you would be employed, or were to be employed, as counsel for the steamship companies? A. I don't remember that he did.

Q. You don't remember that he did? A. No, sir.

Q. Is it your impression that he did? A. My impression decidedly is that he never spoke to me about it in 1870; he may have spoken to me about it in 1871; I don't know.

Q. It is your impression that he may have spoken to you about the propriety of your being employed as counsel for the steamship companies in 1871? A. He may have done so, sir; I cannot recollect the fact.

Q. Now, I ask you whether you had any partnership arrangement with Gen. Jones, in 1871, in relation to this matter of business or general law business. A. No, sir; I had no partnership arrangement.

Q. In neither year? A. No, sir.

Q. Did you have any arrangement with Gen. Jones, in 1871, whereby a certain percentage of this money was to be paid to him? A. I bring that question under the old category, and will decline to answer it, simply on that ground, that I wish to decline in every special case without making any implications at all upon anybody.

By the CHAIRMAN:

Q. It is right down to that special case, Mr. Nolan; you have already testified that you did not pay or promise to pay any part of

this money to any persons officially connected with the board of emigration at the time the arrangement was made? A. Yes, sir.

Q. A few days before the arrangement was made, and in the year 1871, Gen. Jones was counsel for this board? A. I don't understand that to be the case.

Q. Do you know Mr. Jones' signature? A. I do sir; very well.

Q. [Handing paper to witness]. See if that is his signature? A. That is his signature.

Q. That is his receipt for payment up to the 25th of December, 1870? A. I don't know any thing about that.

[The chairman read the following paper:

"NEW YORK, *Dec.* 24, 1870.

"The Commissioners of Emigration To P. H. JONES, Dr.

"To stated salary as counsel to the board from the 1st day of April, 1870, to the 25th day of December, 1870, at the rate of $2,500 per annum.

"$1,833.34.

"Received payment in full this day.

"P. H. JONES, *Counsel.*"]

The WITNESS — You will find that I am substantially correct, after all, and that that will be explained away.

[Mr. Alvord read the following paper:

"*July* 22, 1870.

"*Resolved*, That the resignation of Gen. P. H. Jones as counsel to the board be accepted, and the subject of filling the vacancy be referred to the president of the board, with power."]

Q. That is of the date of January 5th, 1871? A. Yes, sir.

Q. Then you are mistaken as to his resigning in September, 1869. A. I do believe there is an explanation to that, which I am not at all responsible for, and that I am still right; Mr. Jones will probably explain that in his own good time.

Q. I want you to explain it right here to the speaker, and to this committee, why you insist upon it that Mr. Jones, whom I consider a gentleman of honor, received a salary as attorney and counsel for these commissioners in 1870, when you say he resigned in 1869? A. That is my remembrance, and I cannot explain the other matter at all; he has to explain his own matters, and I have no doubt he can do it perfectly satisfactorily.

By Mr. WAEHNER:

Q [Referring to papers]. That is Gen. Jones' receipt for payment

up to the 25th of December, 1870, and *that* is his resignation? A. Yes, sir; I remember Gen. Jones placed his resignation in Mr. O'Gorman's hands, and it hung fire there for some time; of course, it was accepted; I don't know whether I am right; I know this, that I ceased to have connection with the commissioners of emigration in 1869, either directly or indirectly.

By Mr. ALVORD:

Q. Why did he place it in Mr. O'Gorman's hands; was he president of the commission? A. I don't know; I think so.

Q. Are you not entirely satisfied with the fact now that he was not president of the commission in 1869? A. I think he was president in 1870; I don't know; that is my impression; I may be wrong about it; that is a matter that I have no personal knowledge of, except that I heard it rumored abroad; it is easy to confuse a man about things that he has no personal knowlege of.

By Mr. WAEHNER:

Q. In 1870 did you have any business connection with Gen. Jones? A. I think I was in some way in partnership with him in 1870.

Q. Did you have an office with Gen. Jones in 1870? A. His name was in the firm, but he actually contributed nothing to this affair; he gave me the benefit of his name.

Q. Did the firm at that time consist of Wilson & Nolan? A. No, sir; that was some time subsequent; I think the firm at that time consisted of Palmer, Jones and Nolan, and Gen. Jones was postmaster at that time if my memory does not fail me, and he gave his name to me out of his old friendship for me, and which undoubtedly did me some good in acquiring business.

Q. Did you make any agreement with Gen. Jones in 1870, or with Gen. Palmer in 1870, whereby it was arranged that you three were to share in the profits of this steamship matter? A. No, sir; I never spoke to George W. Palmer about this matter before or since.

Q. How long did Gen. Palmer continue with the firm? A. I don't know; he was appointed appraiser of New York some time afterward.

Q. Was he in the firm in 1871? A. He was not; I will not be positive about that, but I think not; it is easily ascertained.

Q. Did you have any consultation with Gen. Palmer, or did you seek his advice in relation to the manner of the passage of this bill in Albany in 1871, or at any other time? A. No, sir.

Q. Did Gen. Palmer make any suggestion to you in relation to that, that you now recollect? A. I don't believe I ever spoke to Gen. Palmer about it.

Q. Did Gen. Palmer have any share or interest in the profits of this

transaction in 1871 from the steamship companies? A. I must decline to answer that under the old objection.

Q. Did you pay to Gen. Palmer any sum of money arising from the profits of this steamship transaction? A. I must decline to answer that, with respect, again.

Q. Did you at any time pay to Gen. Palmer any sum in gross in 1871? A. I must decline to answer that.

Q. At the time when you closed up your partnership with Gen. Palmer were the profits of the concern divided? A. My remembrance is that there were very little profits to the firm at the time he retired, and he transferred the business to me when he became appraiser, and I obtained all the business of the concern; I was rather an industrious man at that time.

Q. Do you know Gen. Merritt? A. I do very well.

Q. How long have you known him? A. I have known him since 1861, I think.

Q. Did you meet Gen. Merritt in Albany in 1861? A. I may have seen him there.

Q. Was he connected at any time at Albany with the state administration? A. I cannot recollect that; I don't know but what he was on this capitol commission; I don't know; I don't follow the thing very closely.

Q. Did you have any conversation with Gen. Merritt in relation to this steamship bill? A. I suppose I did; but I decline answering that under the old rule; but I will say to you that I never spoke to Gen. Merritt in relation to it before that, and I know exactly what reasoning can be drawn from the fact that in one case decline to answer and in another case I dispose of it summarily.

Q. Did you have any conversation with him? A. Not a word.

Q. Did you have any conversation with Gen. Merritt in the city of New York about it? A. I never spoke to him anywhere about it.

Q. You never spoke to Gen. Merritt at any time or place in reference to it? A. Not that I remember, never.

By the CHAIRMAN:

Q. I don't understand you to decline to state to the committee any conversation you had with Gen. Jones on the subject, but that when you come down to the distribution of the money you do decline; that is the difference? A. Well, I am not as good a reasoner as you are; you beat me on the logic every time; I endeavor to speak the truth every time.

By Mr. WAEHNER:

Q. Did you give Gen. Merrit any portion of the money that you

received from the steamship companies? A. I must decline to answer that.

Q. How often did you see Mr. Frear in Albany in 1871, while you were there? A. Possibly three or four times.

Q. Did you see him at any time at the Delavan House? A. I can't recall where I did see him.

Q. Can you not recollect whether you saw him in your room, or in his room at Albany? A. My recollection is that I think I first saw him in the capitol.

Q. When you went to Albany you testified on last Saturday that you were acquainted with only three members, I think, of assembly, the three being, Mr. Gleason, Mr. Nelson, and Mr. Husted? A. Well, sir, it was my best recollection at that time; I think I made the acquaintance of Mr. Frear before that.

Q. You made the acquaintance of Mr. Frear before you went to Albany? A. I think a little before; that is my recollection; I may be wrong.

Q. Who introduced you to Mr. Frear? A. I don't recollect.

Q. Where did you meet Mr. Frear for the first time? A. That I can't recollect.

Q. Where did you meet him the second time? A. I don't know when the second time was.

Q. Was not the second time at Albany? A. That I cannot say.

Q. When did you meet him the last time, and where? A. Oh, to meet him; I met him at Saratoga last year or the year before last, I forget which.

Q. Did you meet him at any time prior to that in the city of Albany? A. Since 1871?

Q. Yes. A. No, sir.

Q. Did you see Mr. Frear immediately after the passage of the bill in the house? A. That I cannot recollect.

Q. Try to refresh your recollection, and see whether you cannot recollect seeing him immediately after the passage of the bill? A. My recollection is, I was not in Albany when the bill was passed through the house, but I was in Albany when the bill passed the senate.

By Mr. ALVORD:

Q. You forget you were four or five days in Albany, getting this bill through its various stages? A. That is my recollection.

Q. In the light of the evidence which you acknowledge is the truth, this bill was passed within three minutes after it was introduced; do you think now you were not in Albany when it passed the assembly? A. I think not.

Q. It was introduced into the assembly one minute, and ordered to

a third reading and passed the next minute? A. I think the bill was in Mr. Frear's hands some days before it was put upon its passage; I know there was some delay about it.

By Mr. WAEHNER:

Q. Where did you give this bill to Mr. Frear to introduce? A. I don't recollect.

Q. Was it in his room? A. That I cannot say.

Q. When you went to Albany you went there as a comparative stranger, knowing but four people in the assembly, and nobody, as I understood you on last Saturday to testify in the first instance, in the senate? A. I knew Senator Creamer slightly.

Q. For whom did you first inquire, on going to Albany, for advice in relation to this bill? A. I don't recollect.

Q. How were you impelled to go to Mr. Frear to introduce this bill for you? A. I can't explain that; I don't know.

Q. Was it at the suggestion of some person? A I think it was; it must have been, in all probability.

Q. Was it by reason of the suggestion of any person connected with the commissioners of emigration at that time? A. I think not.

Q. Was it by reason of the suggestion of any person who had been previously connected with the commissioners of emigration? A. I think not.

Q. Was it by any person — a member of either house? A. It was not.

Q. Was it by the suggestion of any person outside of the legislature, and in Albany, that you went to Mr. Frear? A. Engaged as lobbyist?

Q. I don't say any thing about that? A. I decline to answer.

Q. Was it by reason of the suggestion of any professional lobbyist in Albany that you went to Mr. Frear to ask him to introduce that bill? A. No, sir; I never spoke to any professional lobbyist.

Q. Was it by the suggestion of any other person in Albany, outside of a lobbyist, that you went to Mr. Frear to ask him to introduce this bill for you? A. It is possible some person suggested that fact to me.

Q. By whom did you first suggest the fact to any one in Albany, that you had this bill in charge? A. It would be very natural that I did to Mr. Frear, but I have no recollection about it distinctly.

Q. It was natural you should suggest it to him? A. If he was the party I gave the bill to, it is very likely I must have spoken to him when I gave him the bill.

Q. But you have suggested that your acquaintance with him was very slight. A. Yes, sir; but still I commend myself to men very quickly.

Q. You recollect Mr. Gleason, of St. Lawrence county, better? A. Yes, sir; I knew him much better than I knew Mr. Frear.

Q. And you knew Mr. Nelson better than Mr. Frear, because he had done some business for you before? A. Yes, sir; but it never matured into an acquaintance; he did it, I think, out of an abundant zeal for the public good, whatever he did.

Q. If I recollect right, when you went to Albany you first consulted Mr. Frear in relation to the passage of this bill? A. That is my remembrance.

Q. What did he tell you was necessary to be done to secure its passage in the house? A. I don't remember that.

Q. Did he tell you that? A. I don't remember that.

Q. Can you recollect what steps you took when you went to Albany and arrived at the Delavan House and took your room; did Mr. Frear stop at the Delavan House that year? A. I believe he did.

Q. Did you go to his room immediately after engaging your room, or before? A. I don't remember that.

Q. At any time in the day or night did you go to his room? A. I don't think I was ever in his room.

Q. Was Mr. Frear at any time in your room? A. I don't remember that he was.

Q. Where, then, did you see him? A. That I cannot recollect; my impression is in the capitol.

Q. Did you communicate to Mr. Frear the fact that you had been his counsel for the steamship companies and tell him what arrangement you had made with them? A. No, sir; I can answer that question with the utmost perfect emphasis.

Q. That you did not? A. That I did not.

Q. Did you tell any person in Albany what arrangement you had made with the steamship companies? A. Not to a soul; I never told any member of the legislature, or anybody connected with this commission of emigration, what arrangements I had made with the steamship companies, and I don't know whether Mr. Frear ever knew it.

Q. I am going to ask you another round question, and will take a square answer? A. Yes, sir.

Q. In this proceeding are you not endeavoring to shield and protect other parties who were connected with the passage of this bill? A. I will decline to answer that question.

Q. Are you not in this proceeding trying to shield Gen. Jones from any connection with it? A. I will decline to answer that question.

Q. The same question in relation to Gen. Merritt? A. I decline to answer the question.

Q. You have testified what connection Mr. Frear had with it? A. Yes, sir.

Q. Or Gen. Palmer? A. The same answer.

Q. Or any of the commissioners of emigration at that time? A I say I am not trying to shield them.

Q. You say you are not trying to shield any of the commissioners of emigration at that time? A. Yes, sir; I say in relation to every man in a public station I will answer with the most perfect frankness, but when it comes to matters in private life, I shall consult my own judgment as to whether it is better to answer or not.

Q. You say at the time this transaction was on hand in Albany, Gen. Jones was postmaster of the city of New York? A. I believe he was.

Q. And Gen. Palmer was appraiser of the port? A. Yes, sir.

Q. You regard those gentlemen as being in public position at that time? A. Yes, sir; but not public positions in this state exactly; they were United States officials.

Q. As public officials, and in view particularly of the connection of Gen. Jones as counsel of the commissioners of emigration, would you not have regarded it as a dishonorable thing for Gen. Jones to participate with you, or act with you, in procuring your employment as counsel for the steamship companies, to procure the passage of this resolution? A. I must decline to answer that question.

Q. These are gentlemen who were in official life at that time? A. Yes, sir.

Q. Held United States positions? A. Yes, sir.

Q. Do you think it would have been right and proper for any person holding the position that either of these gentlemen did to participate with you in the affairs of state legislation? A. I must decline to answer that, sir.

Q. By the suggestion of one of the members of the committee I will pursue this line of inquiry; on last Saturday we had, it seemed to one of the members, information concerning the transactions of 1872; confining the question to that, will you be kind enough now to state what that transaction was with the steamship companies so that we will have it plainly upon the minutes? A. I will, as nearly as I can recollect.

Q. And the person with whom made? A. I suppose the introduction of a bill to raise the head-money when it was low, and reduce it when it was high, has been almost an annual concern for years past; in 1872 a bill was introduced to raise the head-money from $1.50 to $2.00, and my recollection is that Mr. Dale requested me to go to Albany and prevent its passage, and I was to have, I think, reasonable

compensation; I do not recollect now what the precise arrangement was.

Q. That is what I want to get at particularly. A. I think a percentage for two or three months.

Q. Upon the same basis as that made in 1871? A. Yes, sir; I desire to state here that I think the sum I received then was a little in excess of what I stated to the committee on Saturday, but the precise figures I have not been able to get; but I will get them and hand them to the committee.

By the CHAIRMAN:

Q. From one of the companies you got the amounts they furnished? A. No, sir; that is for a whole year.

Q. From one company you got as much as you stated from the entire companies. A. Then I made more money than I supposed I did; I have my accounts, and can find out.

Q. We have got your checks. A. I won't argue the question.

By Mr. WAEHNER:

Q. Proceed with your statement. A. That is all, sir.

Q. That your arrangement was made with Mr. Dale? A. Yes, sir.

Q. What time in 1872? A. I don't recollect.

Q. Was it early in January, or late in the year? A. Oh, no, it was late; if I recollect right, it was after February.

Q. You are certain it was in March? A. I could not positively state, sir.

Q. You are certain it was not in January? A. Oh, I think not.

Q. You are certain it was not in February? A. I think it was after February; I can't tell.

Q. Was it as late as the month of April? A. Well, that I cannot tell, sir.

Q. Will any of your memorandums or books show what time the arrangement was actually made? A. I should say that the legislative records could fix it pretty near, because I think I went up to Albany soon after the introduction of the bill and its announcement in the newspapers.

Q. Was it a few days after the introduction of the bill? A. I cannot tell how long afterwards; but very soon afterwards.

Q. Will you state whether this arrangement you made with Mr. Dale was in writing? A. It was not; at least that is my recollection, that it was not.

Q. The arrangement of 1871 was in writing, was it not? A. I believe it was, yes, sir.

Q. But the arrangement of 1872 you say was not made in writing? A. I think I am right there.

Q. When Mr. Dale came to you, did he state who were the parties particularly interested in opposing that bill — what companies? A. I don't remember.

Q. Did he give you the names of any of the companies? A. I think he merely asked me to go up of my own motion, and that the arrangement for compensation was made after my return; I think that was the arrangement at that time.

Q. After your return from Albany? A. Yes, sir.

Q. Did you see Mr. Dale again in reference to the arrangement? A. I have no doubt I did.

Q. Did you see him at your office, or at his office? A. I have no doubt I saw him at his office.

Q. What was the arrangement Mr. Dale told you had been made, or would be made? A. I told you that some of the companies would pay me a percentage.

Q. Did he not give you the names of the companies who declined to enter into that arrangement that year? A. I don't remember.

Q. State the names of the companies from whom you collected money that year? A. I stated on Saturday the Inman, the National, the Cunard; I am not quite satisfied whether the Cunard did join; I think so.

Q. The German line also? A. I think one of the two lines, but not the two.

Q. Was it the Bremen? A. I don't remember.

Q. Was it the firm of Oelrich's & Co. from whom you collected money? A. That I cannot recollect; I can find that fact out, I suppose.

Q. Was the arrangement made that you were to receive compensation from the date of the signing of the bill by the governor? A. I forget the precise details of the arrangement; I think that was the arrangement.

Q. That was the arrangement of 1871? A. Yes, sir; I think they followed the same principle.

Q. Or at least not from the signing of the bill, but I should say from the adverse report of the committee, and its defeat in the house? A. Yes, sir, that is so; oh, no; no, I am inclined to think there was nothing done at all after the legislature adjourned.

Q. You did not enter into any arrangement with Mr. Dale until after the legislature adjourned? A. We may possibly have had some understanding in regard to the terms, but I received no money from fall until after the legislature adjourned, I think.

Q. How much did you receive from him after the legislature adjourned? A. I really don't know.

Q. Was it $1,000? A. More than that.

Q. Was it $5,000? A. I think not.

Q. Was it $3,000? A. I think not.

Q. Was it $2,000? A. I think not even as much as that.

Q. Did you receive any in cash from him at all? A. Oh, no; I I received it in checks.

Q. More than one check? A. Yes sir.

Q. On what bank is that check drawn? A. I forget.

Q. Made payable to your order? A. I believe so: yes, sir.

Q. Did you receive any money after the adjournment of the legislature from any other company, or from any other person? A. I believe so; yes, sir.

Q. From whom? A. I don't remember; that is a fact that I will probably be able to verify every particular by my memorandum.

Q. Putting the question generally to you, will you furnish to the committee a full, correct abstract from your books and memorandum of the amounts that you received in 1872 in pursuance of this second arrangement; also of the amounts that you received in pursuance of the first arrangement, in 1871? A. I will, as far as I can.

Q. You went to Albany some little time after the introduction of this bill? A. Yes, sir.

Q. Do you know who the person was that introduced the second bill, in 1872? A. I do not; I knew nothing about the introduction of that bill until I saw it announced in the newspapers.

Q. And Mr. Dale came to you then and requested you to go to Albany? A. I believe he did.

Q. Did you know, before the introduction of the bill, that the commissioners of emigration had recommended the increase of the tax—were you so advised? A. Yes, sir.

Q. Did you read the report of the commissioners of emigration? A. If the commissioners made known their desire for the increase, it is possible I may have seen it in the newspapers.

Q. Did you appear before the committee in 1872? A. I think I did.

Q. Are you positive? A. I think I am positive I did.

Q. Can you state where the meeting of that committee was held? A. No, sir.

Q. Was it in the capitol building? A. That is my recollection.

Q. Do you know who the chairman of that committee was? A. No, sir.

Q. Can you give the names of any of the individual members of the committee? A. I have forgotten the names.

Q. Can you recollect the name of any man, either the introducer of

the bill or any man who was on the committee of commerce and navigation? A. No, sir; I cannot remember the names after this distance of time.

Q. You had a hearing before the committee; how long did you stay before that committee and argue on this bill? A. I don't recollect.

Q. Was it a long time, or a short time? A. I think rather a short time.

Q. Did you have any conversation or consultation with any individual member of that committee before you appeared before the committee? A. No, sir.

Q. Or after? A. No, sir.

Q. Or with any person connected with the legislature of 1872? A. Not a soul.

Q. Do you know whether Mr. Husted was a member of the legislature in 1872? A. I think he was.

Q. Did you speak to him in relation to this bill? A. I think not.

Q. How long did yo u remain in Albany then? A. I cannot recollect how long I did; I think until the defeat of the bill.

Q. How many days about was that? A. I don't remember how long the bill lay in committee; I think some little time.

Q. From the time that you made your argument before the committee until the time you left, how long was it? A. I don't remember that.

Q. Were you there a week? A. I think I was.

Q. During the time that you were in Albany did you pay to any person connected with the legislature any money? A. Not a penny.

Q. Did you promise or agree to give to any person connected with the legislature any money? A. Not a penny.

Q. Did you agree or promise to give to any other person in Albany any sum of money? A. No, sir.

By the CHAIRMAN:

Q. In 1871 and 1872 you testified you did not pay, or promise to pay, any member of the legislature, or any person connected with it, any money to secure this legislation, or defeat it? A. Yes, sir.

Q. Did you pay to any person any money that you knew or had reason to suspect that the person to whom you did pay it was to pay it to some person connected with the legislature? A. Not a penny.

Q. Had no reason to suspect that any person to whom you paid money was to pay it for the purpose of influencing legislation? A. No, sir.

Q. Now, here is a very large amount of money, comparatively $50,000 or $60,000, which the steamship companies paid for the pur-

pose of influencing legislation; there is no doubt about that? A. I think there is an extreme doubt about it.

Q. It was paid to you for no other purpose than to effect legislation, either by argument or otherwise; do you pretend to say that not one dollar of that money was paid, directly or indirectly, to any person to be used for any purpose of effecting the legislation you desired? A. I do; I say I never paid to a man a penny to be used to influence legislation.

Q. I don't ask you whether you knew the person ageed it should be used for that purpose, but had you any good reason to believe that the person to whom you paid the money was to use it for some ulterior purpose? A. No; in the first place I never received the money until after the legislation had been passed.

Q. I mean persons connected with legislation that made a contingent agreement that you did; that is frequently done, I understand; did you ever loan any money to any person knowing it was to be advanced to a legislator, or to any person connected with the legislature? A. No, sir.

Q. Or had any reason to suspect or believe that it was going in that direction? A. No, sir.

Q. Had either of these persons to whom you paid money (assuming that you did pay it), visited Albany with reference to this legislation? A. I must decline to answer that question, to say whether I ever paid anybody any money.

Q. I assume you did pay a person money, because when you talk about the disposition of the moneys you have assumed yourself, and the conclusion is unavoidable, that there was a division of these moneys between you and other parties; now, assuming that you did pay or distribute to other parties, did any of these parties visit Albany for the purpose of influencing this legislation? A. I must decline to answer that question.

By Mr. WAEHNER:

Q. Did any person, besides yourself, appear before that committee and make any argument in relation to that bill? A. I don't remember that there did.

Q. Can you not remember whether any person did or not? A. Well, that I can't recollect; I think Mr. Casserly was up there about the bill.

Q. Mr. Casserly? A. I think he was.

Q. He was there representing the commissioners of emigration? A. I think so.

Q. Did Mr. Casserly state before that committee at that time, that the commissioners of emigration had recommended to the legislature

the increase of head-money? A. I don't recollect that he did; I have no doubt, except it appears that he did.

Q. Did you have any conversation with Mr. Casserly in relation to that bill in Albany, or in the city of New York? A. Oh, no; I think not.

Q. Can you now state from recollection, or would it be necessary for you to refer to your memorandums, the gross amount that you received from the steamship interests for your services in 1872, in pursuance of this second arrangement? A. I cannot, but I will make the most honest statement I can compile to the committee in due time.

Q. In the year 1872, in pursuance of the second arrangement, did you yourself see any of the steamship companies and ask them for their *pro rata*, or ask any of their agents for any of their *pro rata*, in pursuance of the arrangement made with Mr. Dale? A. I think it is very likely I did.

Q. Do you recollect calling upon Mr. Hurst in 1872 and asking him for any money in pursuance of this arrangement? A. I don't recollect; I think it is very likely I did go and see him.

Q. Did you visit Williams & Guion? A. That I don't recollect; I don't think I went to see them at all, if I recollect right.

Q. Will your books show the last payment you received from any steamship company? A. I think so; they ought to.

Q. Will you make that statement before the committee? A. I will.

Q. Also the amounts received under the arrangement of 1872? A. I believe so, sir; I hope to be able to do so.

Q. Were these books your private books, or the firms' books. A. They were my private books.

Q. You kept a private book, distinct from your firm, of the money you received in pursuance of the arrangement of 1871 and 1872? A. Yes, sir.

Q. You didn't regard that as the legitimate business connected with the partnership? A. No, sir.

Q. In 1873, I think you testified on last Saturday, you were not retained as counsel by the companies? A. I have not had any thing to do with them ever since, and, what is more, never will.

Q. Have you since the year 1872 done any business or had any transactions disconnected with legislation — private business — with any of the steamship companies, or with any of their agents? A. I think that in 1873 either Mr. Dale or Mr. Cunard wanted a bill passed authorizing the steamship companies to hold real estate for dock purposes; I think I prepared a bill, and appeared before the committee in Albany.

By the CHAIRMAN:

Q. Was that the alien bill? A. Yes, sir; I drafted the bill and appeared before the committee; there was another bill making it general, but this one confined it to the steamship companies, and I drafted the bill and appeared before the committee, and I think I got $250 for it, or thereabouts.

By Mr. WAEHNER:

Q. Have you done any other business for any of the steamship companies since that time? A. No, sir.

Q. I am correct, then, in assuming, from your testimony of last Saturday, that your first acquaintance with the steamship companies, or their agents, was made in the year 1870, when you were engaged in prosecuting certain ticket swindlers? A. I believe so.

Q. And your last arrangement and business transaction with them was this arrangement in the drafting of this bill? A. Yes, sir.

Q. And the only arrangements that you ever had with them were those two, together with the transactions of 1871 and 1872? A. That is all, sir; and I don't know that any company, but one, interested itself in the passage of this alien bill; it may have been Mr. Dale; I don't know but what it was — Mr. Dale or Mr. Cunard.

By Mr. ALVORD:

Q. What was the alien bill? A. The alien bill was to authorize aliens doing business in the city of New York to hold real estate for business purposes.

By the CHAIRMAN:

Q. The special bill is the one you refer to? A. The special bill is the one I refer to.

By Mr. ALVORD:

Q. The bill was passed? A. No, sir, it was not; Mr. Burns opposed the bill very vigorously.

By the CHAIRMAN:

Q. You say since your examination on Saturday, that you have consulted counsel in regard to your obligation to answer the questions which you declined to answer on Saturday? A. Yes, sir.

Q. Have you any objection to stating the counsel that you consulted? A. Yes, sir, a little.

Q. Will you give the committee the name of the counsel who advised you that you were not liable to answer these questions? A. Well, no, sir; I would rather not.

Q. Did you state to the counsel, who thus advised you, the whole facts connected with the transaction? A. I think not, sir; I think I consulted him principally upon the question of the power of the committee.

Q. Did you state to the counsel that the steamship companies had advanced the amount of money, whether $40,000 or $60,000, for the purpose of employing counsel (to use the term as mildly as possible) to affect legislation, and that the inquiry was as to the disposition of that money — did you tell him that? A. I believe so, yes, sir.

Q. And upon that statement did the counsel advise you that you were under no obligation to answer? A. Yes, sir.

Q. Now, the grounds of the refusal to answer (because it involves an inquiry into the nature of what you call private business, or books), the result of the inquiry might tend to disgrace or degradation? A. That is a matter of private concern.

Q. Did the counsel tell you that a fund raised for the purpose of affecting legislation, that the body which was to be affected and corrupted, if necessary, that that body had no right to inquire into the distribution of that money; do you say that any counsel here in New York advised you to that extent? A. No, sir, the counsel advised me to what I have to-day done.

Question repeated. A. I say no.

Q. Upon which ground did the counsel advise you to decline to answer — that it tended to expose you to disgrace, or that it was beyond the power of the committee? A. Beyond the power of the committee.

Q. And is it upon that ground that you decline? A. It is, sir, upon that ground.

Q. And no other ground? A. Oh, yes, sir; upon that ground and upon the ground that it is a matter of purely private concern what I did with the money, provided I did not distribute it for the purpose of corrupting any officials.

Q. That is for the legislature to determine as to whether it tended to influence legislation or not; you assume by your declination to determine that question yourself? A. Yes, sir.

Q. By the advice of your counsel? A. Yes, sir.

Q. Now, in the several days that you were in Albany in 1871, I suppose you became acquainted with the character of legislation that winter, and the men in control of legislation? A. In some measure.

Q. You knew that Mr. Tweed was the chairman of committees in the senate? A. I suppose I must have known that; it was a notorious fact.

Q. Was it not equally notorious that Mr. Tweed controlled and directed the legislation of that season? A. It was rumored so; that was the pretty general impression.

Q. And was it not a matter of equal notoriety that Mr. Frear represented Mr. Tweed in the house? A. That I don't know, although I have heard it said.

Q. Do you know the fact that the majority of the assembly was democratic? A. I believe it was.

Q. Didn't you know that Mr. Frear led the majority of the house that winter? A. I believe that was so, too.

Q. And don't you know that no bill affecting the city of New York could pass through the house, or the senate, without the concurrence of Mr. Frear and Mr. Tweed? A. I suppose I must have calculated it would have had pretty poor chances.

Q. Now, with your slight acquaintance with Mr. Frear, and no acquaintance at all with Mr. Tweed, do you believe that your presence in Albany affected that bill one way or another? A. Well, I think it affected it some; I don't know to what extent.

Q. I am speaking of your personal presence there, and nothing else? A. Oh, well, sir, I have told you what I believed: it affected it somewhat: I don't know to what extent; I know I advanced no other argument than my statement of the purpose of the bill.

Q. I don't understand, from your corrected statement of this morning, that you advanced a single argument in support of the bill? A. I may not have advanced a formal argument; I stand a little contradicted by the record on that point, but I certainly said something about the bill to somebody.

Q. Was it a fact that because you understood Mr. Frear controlled this species of legislation in the house, that you handed the bill to him? A. I don't remember that, whether that was a fact.

Q. Did you know what Mr. Frear's political relations were to Mr. Tweed at that time — that is from rumor? A. Yes, sir; from rumors I believe I did.

Q. Generally, did you communicate to any person at Albany, directly or indirectly, or cause to be communicated by any other party connected with the legislature, the arrangement made with the steamship companies? A. I swear, most emphatically, I never did; nobody ever did.

Q. Nobody ever knew it from you? A. No, sir: if they had any knowledge of it from other sources, I don't know; I state to you what I did not do, and what I did do.

By Mr. WAEHNER:

Q. I don't know whether I asked you this question, but I intended to ask it of you, whether, or not, you, at any time after the adjournment of the legislature, and during the year 1871, paid to any person any share or percentage of this money, who was reputed as a lobbyist

at Albany? A. No, sir; I did not; that I can swear to most positively.

Q. Did you pay or lend or present to any person, during the years 1871 or 1872, any share or percentage of this money for advice which you had received from that person in relation to this bill? A. No, sir.

Q. You have testified that you did not pay to any person any share or percentage, or loan or present to any person who had given you advice in relation to the passage of this bill? A. Yes, sir.

Q. Did you, during the year 1871 or 1872, pay, lend or present to any person any share or part of these moneys? A. I will decline to answer that question, sir.

Q. Did you keep the whole of these moneys that you collected? A. I decline to answer that, too, sir.

By Mr. ALVORD:

Q. Did I understand you to say, in answer to a question put to you this morning, that your books of account of the date of 1871 were, in your opinion, lost or destroyed? A. Well, I rather said, I thought they were; I thought I destroyed them.

Q. Did I understand you to say, in connection therewith, that you desired to give an explanation of some of your testimony on Saturday? A. I have given it.

Q. That you desired to? A. Yes, sir.

Q. Did I understand you to say, in that connection, that you desired it, because of some memorandums you found, which had refreshed your memory in regard to certain transactions? A. Yes, sir.

Q. Where did you get these memoranda from, if you destroyed your books and papers? A. I think I got them home.

Q. Did you keep a double set of entry in reference to this question? A. Oh, no, sir.

Q. Then, where were your memoranda; if your books and accounts are destroyed, where are these memoranda — from what source do they proceed? A. I don't know; I have got little detail memorandums — personal memorandums.

Q. Are you in the habit, in addition to keeping memorandum books, of keeping a memorandum of transactions that occur in your books? A. Instead of being cross-examined, I will produce what I have got.

Q. I ask you, sir, now, because you have sworn, in the first place — you have stated here, distinctly and directly, that you destroyed your books, or that you think you did? A. Yes, sir.

Q. You swear, in addition thereto, that you have come here to refresh your memory and correct some of your testimony of Saturday from memoranda that you have got; now, I ask you whether you kept

memoranda in addition to your books of account? A. Oh, I think I have got a bank-book; that will show me how much money I received.

Q. Will you produce that bank-book to us? A. No, sir; I will not; I decline to do so.

Q. You will not produce it? A. No, sir.

Q. Have you got more than one book? A. I don't remember how many I have got.

Q. I mean more than one book as contra distinguished from one or more banks? A. I think I have.

Q. Did you keep your account in more than one bank? A. That I decline to answer.

Mr. WAEHNER — You have answered it already.

The WITNESS — No; what I wanted to say was, not that I kept more than two bank accounts, but that I had more than one bank book; I understood you more than one that contained deposits.

By Mr. ALVORD:

Q. You could not carry on such an extensive business as you did the last three or four years without having another bank; you would require another one? A. Yes, sir.

Q. Did you keep accounts in more than one bank? A. That I decline to answer.

Q. Did you deposit all the money that you received from these steamship companies and the Union Trust Company? A. Well, sir, I have testified once that I did not.

Q. What other bank did you deposit it in? A. I have declined already to answer that, with the utmost possible respect to the committee.

Q. Do you desire us to examine every bank in this city for the purpose of finding where you did deposit it? A. I don't know.

Q. Are you aware that you cannot conceal the fact except you deposited under disguise in some other bank; do you desire to put us to that trouble and expense, in addition to all the money you got? A. I hope you won't press me to the wall in this way.

Mr. ALVORD — I must do so.

Mr. WAEHNER — It is a matter of convenience to the committee; if you desire to save us the trouble of bringing every bank here, you will answer the question; it is simply a question of convenience? A. I will take the matter into consideration, and inform the committee on that point; when I hand my statement of accounts to you I will, if I deem it best, send that to you.

Q. You decline to state what other bank, besides the Union Trust Company, you deposited it in during the year 1871? A. Yes, sir.

Q. Now, Nolan, in 1870 you were the procurer of the passage of a

bill through the legislature in regard to the question of ticket-swindling? A. Yes, sir.

Q. Were you at that time a partner of Gen. Patrick H. Jones? A. Well, I think I was; I think he was a sort of *quasi* partner of mine.

Q. Was he, or was he not, at that time the counsel for the commissioners of emigration? A. My recollection is that he was not, and that I had no connection whatever with the commissioners of emigration at that time.

Q. I am not asking about your recollection? A. That is my understanding.

Q. You have been presented with a document here purporting to have been a receipt of Gen. Jones, for the payment of his salary from the 1st of April, 1870, to the 25th of December, 1870, as counsel for the commission of emigration, have you not? A. Yes, sir.

Q. You recognized the handwriting of Mr. Jones, did you not? A. Perfectly well.

Q. Have you any idea that Mr. Jones made a mistake in putting that 1870 instead of 1869? A. I don't know whether he made a mistake, or not.

Q. I ask you about what your idea is? A. I have no idea about the matter.

Q. Do you think Mr. Jones made a mistake in putting 1870 for 1869? A. I think not.

Q. You have had also presented to you at the same time a regular record of the minutes of the commissioners of emigration for the same period; do you anticipate that that record has been changed from 1869 to 1870 to complicate things? A. No, sir.

Q. Are you not mistaken in the fact that Mr. Jones ceased to be counsel to the commission in 1869? A. I will not answer the question in that way.

Q. What way do you want me to ask the question; I ask whether or no you are not satisfied that your were mistaken entirely in regard to the fact that Mr. Jones ceased to be counsel to the commission in 1869? A. I am not satisfied.

Q. Do you believe that Patrick H. Jones would take pay as counsel for the commission of emigration for the year 1870 if he was not counsel? A. I think not, sir.

Q. Then, if he did take pay for 1870, was he not counsel for the commission; would you not think he was? A. I should say he was; yes, sir.

Q. Now, sir, you went up to Albany in 1870, for the purpose of getting this bill passed that you talk about? A. Yes, sir.

Q. You got pay for that? A. I believe I did, sir.

Q. Did a portion and a part of that pay go to Parick H. Jones? A. Not a penny.

Q. Were you not a partner of his? A. I told you his name was in the firm; that he gave me the benefit of his name; he was a sort of *quasi* partner of mine, and I of his, at that time, as I understand it.

Q. You want me to understand that he was not entitled to any of the results of the business of the partnership, notwithstanding he was one of the partners? A. Yes, sir; I do not believe he got any part of the proceeds.

Q. I don't care whether you cheated him out of them or not; I only ask you the question whether he was entitled to them? A. No, sir.

Q. I only want to know in reference to his position there as a member of that firm? A. He was not entitled to any, as I understand it.

Q. And you never gave him any account of it? A. Not if I remember right.

Q. Did you not act in the capacity of a sub-counsel to the commission of emigration during the entire time of the official connection of Gen. Jones with the commission of emigration? A. I believe I was, within a great part of the time.

Q. Then, at the time of the passage of this act of 1870, if Gen. Jones continued to be a counsel of the commission to 1870, in December, you were acting also as counsel for the commission of emigration in a subordinate capacity, were you not? A. Well, my remembrance is that I was not.

Mr. ALVORD — You have answered one question.

The WITNESS — I will not testify according to argument; I will testify according to facts.

Mr. ALVORD — I don't ask for argument, I am only putting the question; I ask you —

The CHAIRMAN — The witness stated on last Saturday he did act as some counsel for the committee since Mr. Jones was counsel.

The WITNESS — Yes, sir; but I supplemented that by saying I recollected —

Mr. ALVORD — I don't care about your recollection.

The WITNESS — I care a great deal about it; I don't propose to be put in a hole in this way.

Mr. ALVORD — We don't propose to put you in a hole, but you must be satisfied of the fact that printed matter and written records are a great deal above and beyond simple human recollection, and unless you undertake to contradict these written records and that printed matter, you must be satisfied of the fact that they are wrong and that you are right; that is outside of the question; now, I have given you a simple question, and you have answered that you were the associate counsel during the whole time of the administration of Gen. Patrick

H. Jones as counsel for the commissioners of emigration; now I ask you if Mr. Jones was counsel to that commission of emigration to the 25th day of December, 1870, whether you were not the assistant counsel during that whole time?

The WITNESS — I cannot answer that.

By the CHAIRMAN:

Q. Didn't you act as an assistant counsel up to that time, assuming Mr. Jones did continue? A. I say again I don't believe I acted longer than 1869.

The CHAIRMAN — You are testifying to a fact, and I suppose what Mr. Alvord wants is in answer to his question.

By Mr. ALVORD:

Q. I have got an answer to my question which satisfies me he was the assistant counsel up to December 22, 1870; I want to ask you positively whether if Mr. Jones was the counsel in 1870, you were not the sub-counsel? A. I will decline to answer, except as I have answered already, except that I ceased to have any thing to do with it in 1869.

Q. Do you take back the position and the answer that you have given to my question, that you were the sub-counsel during the whole time of service of Mr. Jones to this commission of emigration? A. I do not, but I will qualify it in this way.

Mr. ALVORD — No qualification, if you please.

The WITNESS — I must have the question.

Mr. ALVORD — I have got your answer.

The WITNESS — I want to explain the answer.

Mr. ALVORD — Explain it.

The WITNESS — When I say I was sub-counsel during all Mr. Jones' tenure of office to this commission, I stand by it, but assume and believe, according to my best recollection, that his connection with the commissioners of emigration, so far as I knew, terminated in 1869; it may be that there was a private connection between Gen. Jones and the commissioners of emigration that I know nothing about.

Q. Is not the office of counsel of the commission of emigration a private matter, or is it a public matter? A. Well, I don't know.

Mr. ALVORD — I ask you.

The WITNESS — That does not rest in my testimony; that is beyond it.

Mr. ALVORD — Do not undertake to equivocate; come right down to the point.

The WITNESS — I suppose it is a public matter.

Q. If Mr. Jones gave a receipt for his compensation as counsel to

this commission to the 25th day of December, 1870, was it a private or a public matter? A. I won't answer that question; I cannot explain these things.

Q. How much did you receive for your services in the procurement of the passage of the act in reference to the ticket swindling? A. A very little amount; I don't recollect at this distance of time how much it was; it was a small sum.

Q. Are the books upon which that would be recorded also burnt or destroyed? A. Well, I don't know, sir; I know very well that I did not get more than $1,000; I say not more, but I think a thousand.

Q. Who was that paid to you by? A. I think it was Mr. Dale.

Q. By John G. Dale? A. Yes, sir.

Q. Can you not do more than think; can you not tell positively? A. Well, I think it was by him; you must remember that more than five years have elapsed; I have handled a great many thousand dollars since then.

Q. I think you have; you think it was Mr. Dale? A. I think so.

Q. Are you positive whether it was or not? A. Why, sir, my deliberate impression is that it was; I cannot swear positively to what I have not a positive knowledge of.

Q. Who composed the firm at the time you were thus employed? A. In 1870?

Q. In 1870. A. I think it was Gen. Palmer, Mr. Jones and myself.

Q. Gen. Palmer and Mr. Jones? A. I think so.

Q. Was any portion of that money divided with Mr. Palmer? A. No; he never got a penny of it; that was kept by me; that was my private affair.

Q. A private affair? A. I mean to say, sir, the fee went to me.

Q. Is it ordinarily the course in a lawyer's office, where there are two or three component persons of the concern, that one can have a right thus to go outside? A. I don't know what the ordinary course is; I am dealing with the facts.

Q. Did you consider yourself a lobbyist or a counsel for these people at that time? A. Decidedly a counsel; I never lobbied in the world; I appeared before the committee in that case, I know, and was heard for quite a long time.

Q. Don't the views and the knowledge of every member of a legal firm of every thing that is *quasi* legal in its nature redound to the benefit of the whole concern rather than to individuals? A. Sometimes not.

Q. What other cases do you know of except the case that you speak of? A. I don't know of any; I was a very young man at that time, and these were earning a great deal of money.

Q. You were not very verdant? A. One was appraiser, and the other postmaster.

Q. They not dividing with you, you thought you had a legal right to carry on business without dividing with them? A. They knew all about it — they never grudged me my pay.

Q. Did they know you were at Albany on this matter? A. Yes, sir.

Q. Did they assist and aid you in any way? A. No, sir; I know more about the business than any one else.

Q. Did they advise you? A. No; it had been my business for years to prosecute these emigrant swindlers, and I know all the ins and outs of the process.

Q. Did they advise you? A. No, sir.

Q. When you were there, in 1870, do you recollect who was the chairman of the committee before whom you went? A. I do not; I know I gave the bill to Mr. Nelson, of Rockland county, and he took me in before the committee, and I was permitted to explain what is called the belt process, and other acts of ticket swindling in this city on emigrants, and I believe the same day the bill was reported unanimously in the committee and passed the house.

Q. The same day? A. I believe it was; you [Mr. Alvord] voted for the bill.

Q. I believe very likely I voted for the bill; if it was a just bill, I voted for it, undoubtely; well, come down to 1871, you observed to-day that, so far as it regarded 1871, your books were destroyed? A. I said, sir, I believed I did destroy them, but I would look my papers up and see what I had got.

Q. Well, you testified from memoranda that you had got hold of to-day in 1871; what sort of memorandums were those? A. I got thinking about these matters yesterday, and I believe I looked at a bank-book.

Q. You have got a bank-book? A. Yes, sir.

Q. More than one bank-book? A. I have said so; more than one, sir.

Q. Did you get at the possible aggregate amount of what you received in 1871? A. It is so roughly stated I would not state it now until I had an opportunity to look at the books.

Q. Will you state an amount below which you think it won't go? A. I don't think it will go below $40,000.

Q. That was for 1871 and 1872? A. Yes, sir; probably about that.

Q. Will it go below $50,000? A. I should think it would.

Q. You think it would? A. Yes, sir; still, as I said, I may be technically contradicted by the figures; I say that is a rough estimate; I will make a correct statement.

Q. How much of that was for the work and labor and services per-

formed in 1871? A. I don't remember; the great bulk of it, four-fifths.

Q. How much was the aggregate that you received in 1872? A. That I don't know; that is to say I cannot give you an approximate sum; I will make that statement up, too.

Q. Did you appear before the committee in 1870? A. I did not; I wish I had.

Q. You did not appear before the committee in 1872? A. No, sir; I was not subpœnaed.

Q. I am talking now about the committee of the legislature of 1872, to which was referred the bill to increase the head-money? A. Oh, yes, sir; I believe I did appear before that committee; I think I answered that question to Mr. Waehner a long time ago.

Q. Who was the chairman of that committee? A. I don't recollect.

Q. Can you approximate what amount of money you received? A. I cannot.

Q. Do you recollect any thing about who appeared against you? A. I do not; but I believe Mr. Casserly was there in the interest of the commissioners of emigration.

Q. Do you recollect who introduced that bill into the house? A. I do not.

Q. Do you know an agent of the name of McKay? A. I do not.

Q. Do you know that a gentleman of that name was a member of the legislature in 1872? A. I do not; I don't know him; I would not know him if I stumbled on him to-day.

Q. Do you recollect that anybody but Bernard Casserly appeared in opposition to you before the committee on that occasion? A. No, sir.

Q. Do you recollect how long it was between the time that bill was referred to the committee, and the time it was reported adversely? A. I believe it laid in the committee for some time.

Q. How long? A. I cannot tell you; I don't remember.

Q. Some time? A. Yes, sir; a week or ten days, or two weeks.

Q. Do you recollect, on that occasion, whether anybody else, except Bernard Casserly, appeared and opposed that bill? A. I don't know; I think not; I think Mr. Casserly was there; it may be that the counsel, Gen. Hillyer, was there; he was counsel at that time.

Q. Where did you stop at that time? A. I think at the Delavan House.

Q. Did you still reside in the sky parlor that year? A. I don't remember whether I was elevated so high that time; I probably could afford to sleep lower down that year; I was not so poor as I was the year before.

Q. Does that make any difference, whether you sleep in the sky parlor or the lower one? A. My experience is very limited.

Q. Did they make any difference? A. I suppose they did.

Mr. ALVORD — That is the first time I heard of it, but, still, I will take your advice.

The WITNESS — I don't believe you could get a parlor and bedroom on the first floor for four dollars a day.

Q. Did you have both in 1872? A. No, sir; I am not extravagant; I am very simple in my habits.

By Mr. WAEHNER:

Q. What was the title of that bill in 1870? A. That was "An act for the protection of emigrants arriving in the city of New York;" "Ticket swindling" it would be indexed under, or probably it would be indexed under the head of "New York."

By Mr. GEDNEY:

Q. You state you decline to answer what other banks, except the Trust Company, you deposited money in; is there any reason why you decline to answer; I can see that on some private ground a man might? A. I consider it a matter personal to myself — a private matter; I will think the matter over, and what is the most prudent and the most courteous thing to do, I will do; I must decline to answer on the ground of privilege.

Q. Was there an office known as assistant counsel to this board of emigation? A. No, sir.

Q. You were deputed by Mr. Jones to act in his stead? A. Yes, sir.

Q. You have stated that your connection ceased in 1869 here? A. Yes, sir.

Q. Do you know whether Mr. Jones deputed any other person but yourself during 1870? A. I don't remember now.

By the CHAIRMAN:

Q. You decline to answer on the ground of privilege? A. Yes, sir.

Q. You, as a lawyer, know what privileges a witness has? A. Yes, sir.

Q. What are they? A. I will not go into that matter.

Q. State upon what grounds a witness is privileged from answering a question, as you put yourself upon your privilege? A. I don't conceive that the same rules operate before this committee that do before a court of law, because this committee cannot compel a party to answer; he may of his own motion refuse to answer, and while I wish to

be exceedingly courteous and deferential to the committee, I have made up my mind that I need not answer, nor will I answer further than I deem prudent and just.

By Mr. ALVORD:

Q. Why do you call it prudent and just? A. I won't explain those terms; it is easy to quibble about little pieces of testimony.

Q. Let me ask you a hypothetical question; in the first place I will premise it by a positive question; do you consider your whole transaction in reference to this question of legislation in 1870, 1871, and 1872, as an honest and fair professional transaction of business on your part? A. I decline to answer that; I should be apt to decide in my own favor if I should answer.

Q. I wish you to answer it? A. I won't answer it; I will leave it to the gentlemen of the committee to determine.

Q. Now, I will ask you a hypothetical question; if it was a fair, honorable and straightforward act on your part, have you any right, either so far as you yourself are concerned, or your reputation, or the interest of the city, to hold back a single thing? A. I don't conceive --

Q. I ask you a question, and I want you to answer it; I ask you if your conduct in 1870, 1871 and 1872, as connected with those questions of emigration in all their various ramifications, was a just and honorable professional transaction, whether you have any right to refuse to answer any question we put to you in connection with them? A. Yes, sir; I have a right to refuse.

Mr. ALVORD — You have a right to refuse on that hypothesis; I am not talking about your abstract right, sitting back here as a mule, but I am asking you as a gentleman and a lawyer?

The WITNESS — You are dealing with me as a witness.

Mr. ALVORD — I am dealing with you as a man; you are here as a witness, not as a mere legal witness; we are dealing with you as one of the sovereign people of the city of New York, who has a right to answer for the benefit of the whole people, without reference to any quibble.

The WITNESS — I must remind you —

Mr. ALVORD — I will not remind you of any thing; I want you to answer me.

The WITNESS — I will not answer you; now, I wish to say a word.

Mr. ALVORD — No, you needn't say any thing to me; you may talk as much as you want to.

By the CHAIRMAN:

Q [Handing paper to witness]. State whether the amounts of

deposit, or the items of deposit in that paper on the right hand side, were not checks received from the agents of the steamship companies? A. Well, I think it very likely that they were, sir.

Q. I will ask you, on December 1, 1871, to whom you gave a check for $? A. I don't know.

Q. Have you the check? A. I don't know whether I have or not.

Q. On the 22d day of January, 1872, can you state to whom you gave a check for $1,000? A. No, sir; and if I could I would not; that is going back to the question of payments again, and I will not answer any question in regard to payments.

Q. On the 25th of March, 1872, can you or will you state to whom you gave a check for $1,000? A. The same answer.

Q. Can you or will you? A. The same answer.

Q. On the 24th of April, 1872, a check of $600; will you state to whom you gave that check? A. I will not answer that.

Q. On the next day, the 25th of April, 1872, a check of $1,500; will you state to whom you gave that check? A. No, sir.

Q. On the 23d of May, 1872, there is another check of $1,000; will you state to whom you gave that check? A. No, sir.

Q. On the 24th day of July, 1872, a check for $3,457.50; will you state to whom you gave that check? A. The same answer as to that.

[The account of the witness with the Union Trust Company, commencing on the 3d day of November, 1871, was marked "Exhibit No. 1, May 26th, 1875, W. F. B.," of which the following is a copy:]

EXHIBIT No. 1.

Michael Nolan, Esq., in account with the Union Trust Co., from Nov. 3, 1871, to Jan. 1, 1873.

1871.			*Dr.*	
Dec.	11.	To check		$1,750 00
	16.	do		16 78
1872.				
Jan.	2.	do		25 00
	11.	do		25 00
	16.	do		25 00
	16.	do		43 60
	20.	do		30 00
	22.	do		1,000 00
Feb.	26.	do		30 00
March	4.	do		66 70
	25.	do		1,000 00
April	1.	do		30 00
	3.	do		50 00

1872.			
April	12.	By check	$50 00
	24.	do	600 00
	25.	do	1,500 00
May	10.	do	100 00
	13.	do	58 00
	14.	do	50 00
	17.	do	50 00
	20.	do	25 00
	21.	do	50 00
	22.	do	300 00
	23.	do	100 00
	23.	do	40 00
	23.	do	1,000 00
	25.	do	100 00
June	10.	do	50 00
July	8.	do	30 00
	8.	do	24 00
	8.	do	60 00
	15.	do	100 00
	24.	do	3,457 50
	27.	do	130 00
Aug.	8.	do	25 00
	9.	do	114 00
	26.	do	$800, gold, at 112¾ per cent 902 00
Sept.	23.	do	50 00
	26.	do	200 00
Oct.	9.	do	50 00
	19.	do	50 00
	31.	do	50 00
Nov.	13.	do	50 00
	19.	do	25 00
	21.	do	350 00
	26.	do	50 00
Dec.	16.	do	59 45
	17.	do	95 00
	23.	do	50 00
Balance			171 00
			$14,257 03

1871.		*Cr.*	
Nov.	3.	By deposit	$1,000 00
	4.	do	2,500 00
Dec.	31.	By interest to date	18 11

1872.			
Jan.	24.	By deposit	$150 00
Feb.	5.	do	48 25
Mar.	6.	do	413 75
	7.	do	130 50
	11.	do	294 50
	16.	do	450 75
	27.	do	447 50
	28.	do	486 00
	30.	do	533 00
April	9.	do	670 25
	13.	do	474 25
	20.	do	888 75
	24.	do	333 50
	25.	do	1,413 75
June	19.	do	2,000 00
	21.	do	532 75
	27.	do	1,245 75
	29.	do	147 25
	30.	By interest to date	45 09
Dec.	31.	do	34 33
			$14,257 03

1872.		
By balance		$171 00

E. & O. E.

W. G. DEMAREST, *Book-keeper.*

May 26, 1875. W. F. B.

By Mr. WAEHNER:

Q. Would this act you passed in 1871 appear in this compilation of the laws? A. No, sir.

Q. Was this the title of the act: "An act to amend an act entitled 'An act to prevent frauds in the sale of tickets on steamships, steamboats, and other vessels,' passed March 3d, 1870?" A. Yes, sir; I think so.

Q. If I understand you correctly, you said you gave that bill to Mr. Nelson to introduce in the assembly? A. That is my recollection, sir.

Q. Are you positive in relation to that. A. I am positive in relation to that; that is my best recollection.

Q. Did you speak to any senator concerning that bill at any time? A. I don't remember; I know there was no difficulty about the passage of the bill.

Q. Did you speak to any senator in relation to it? A. I don't remember.

Q. Did you speak to a senator by the name of Wood in relation to this bill? A. Yes, sir; I think now I did; I think he was in the senate that year.

Q. What was the nature of the conversation you had with him? A. Nothing in the world, except, I think, he was chairman of the judiciary committee, and to see him after the passage of the bill through the house, and call his attention to the merits of the bill.

Q. Did you ask him to introduce the bill in the senate for you? A. I don't remember that.

Q. Was the bill introduced first in the assembly or in the senate? A. My recollection is it was introduced first in the assembly.

Q. Are you positive of that? A. Well, sir, I am as positive as I can be after the lapse of so many years.

Q. From the record, it appears that this bill was introduced in the senate by Senator Wood? A. Well, that may be.

Q. And never introduced in the house by Mr. Nelson? A. I recollect, as of yesterday, speaking to Mr. Nelson and giving him a copy of the bill; it may possibly be it was introduced also in the senate, and it never was introduced by Mr. Nelson.

Q. The bill never was introduced in the assembly by the record? A. I cannot help that.

Q. That is to say, it came from the senate; you are positive Mr. Nelson introduced the bill? A. I think Mr. Alvord recollects the bill; I think I spoke to him about it.

Mr. ALVORD — I have not the slightest recollection about it.

By Mr. WAEHNER:

Q. You testified in the early part of your examination that you were acquainted with only three or four members of the assembly, and that the knowledge you had of Mr. Nelson was by reason of his having introduced a bill for you in 1870; it appears from the journal that he never introduced the bill? A. It is possible he may not have done so, I know I spoke to him about the bill, and that he furthered the interest of the bill.

Q. Don't you know that Mr. Nelson moved the bill? A. I don't know that.

Q. Or that he never took any interest in the bill? A. I know quite the contrary; he is a most excellent person.

Q. You know this bill was moved by a different person entirely in the assembly? A. I don't know who it was that moved the bill.

Q. Don't you know that the bill, on motion of Mr. Wood of New York, was unanimously referred to the judiciary committee with

power to report complete when it reached the assembly? A. I don't know that fact.

Q. That fact appears from the journal? A. I know I appeared before the committee, and Mr. Fields was chairman of the committee then, and the session of the committee was held in the Delavan House, and I appeared before it.

Q. Don't you know that Mr. Nelson never did so much as to vote for the bill? A. I won't answer those questions; no, I don't; I know my recollection is that he furthered the interest of the bill.

The CHAIRMAN — What time did the bill come down to the house?

Mr. WAEHNER — The bill was introduced in the senate on March 22.

The WITNESS — I know the bill passed.

By Mr. ALVORD:

Q. Was I not a member of the committee? A. I don't remember; there was Mr. Gleason.

Mr. ALVORD — Mr. Gleason never was a member of the committee, and we never met in the Delavan House, and I was a member of it; the committee of judiciary never met in the Delavan House.

The WITNESS — After the lapse of five years, a bill that no one ever spoke of except with applause, it is not very unreasonable that a man should not remember every little petty detail.

By Mr. ALVORD:

Q. It was a matter of a great deal of importance, was it not? A. No, I don't think it was, whether I passed a bill in relation to emigrant swindling in 1870.

Mr. WAEHNER — It made so much difference that Mr. Dale asked the commission to pay $600 toward your commission. A. Well, then, sir, I don't know any thing about it.

The CHAIRMAN — I can't see, in view of the checks given to you by these steamship companies, how there could have been any second agreement that you spoke of.

The WITNESS — Well, I can't help that, sir; they must testify for themselves.

Q. I see, by the list furnished by the National line, that on December 31 a check was given; January 9th a check was given; February 8th a check was given, and on March 4th, March 16th, March 28th, April 9th, April 20th, May 23d, June 7th, June 27, July 11th and July 22d, continuous checks were given for a period of 15 months, averaging about two weeks apart; I can't see how any new agreement could have come in.

The WITNESS — You are testifying from documents, and I am testifying from recollection; I will look at my documents and see.

By Mr. WAEHNER:

Q. What time will you be enabled to furnish us with the statement you said you would? A. I will furnish the committee with the statement I propose to furnish them right away; I am surprised any question was asked about this question of 1870, because it is a matter susceptible of proof by persons who are in this place; Mr. Burns I believe remembers that this man Nelson took an interest in the bill.

Mr. WAEHNER — He never voted for it, and never moved it.

The WITNESS — He voted for it if he was in the house.

Mr. WAEHNER — Well, it never was in the house.

The WITNESS — Then probably not; that may have been very well, but I am speaking about the earnest efforts he made, as they appear from the record.

By Mr. ALVORD:

Q. You, among the rest of the duties which you performed as subcounsel during the administration of our friend Jones, compiled the laws relating to the commission of emigration? A. Yes, sir.

Q. Did you compile these laws during the time Mr. Jones was counsel of the commissioners of emigration? A. Yes, sir; they laid a long time at the commission before they were printed.

Q. Did you compile them during the time he was counsel of the commissioners of emigration? A. I don't know; it must have been afterwards that I finished them; I think I did the compiling while he was there, and I think they were ordered printed afterwards under the new commission appointed.

Q. How long was the time which elapsed between the time at which he ceased to be counsel, and the time when you finally rendered an account to the commissioners of emigration of your labors, and of compilation? A. I don't know.

Q. Approximate? A. I cannot.

Q. Was it a week? A. I cannot remember.

Q. Was it a month? A. I don't know.

Q. Was it two months? A. I don't know.

Q. Was it four months? A. I don't know.

Q. Was it six months? A. I could not come within a year of it. because I have no recollection of every little detail of the matter.

Q. In other words, you desire to throw youself on *non me recordo?* A. That is your construction, sir, but I don't believe it is just to make such remarks.

Q. Well, now, come right down to it [handing book to witness]

there is the index, dated March 1, 1871, was that the time you gave that over to the commission? A. No, sir, the compilation had taken place long before that.

Q. Is that your acknowledgement? A. I think it is.

Q. If the introduction is your work, is not the date your work? A. No, sir.

Q. If you had made that introduction, would anyone else put the date in there? A. Very likely.

Q. What is your opinion about that? A. The compilation that was made, was sent down to the commissioners of emigration, and, according to my recollection, the old commission of emigration refused to have the laws printed, and they laid there until the new commission was appointed, with Mr. O'Gorman as president, and they ordered the laws printed.

Q. When was Mr. O'Gormon elected president? A. I don't know

Q. You decline to say the date, where it appears to be the date you handed that to the commissioners of emigration, March 1, 1871, you decline to say that was the date when you did get it? A. I say my impression is that it was not the date.

By Mr. WAEHNER:

Q. Did you personally deposit all these moneys in the banks in which you kept these accounts? A. Yes, sir.

Q. Did you personally? A. Yes, sir.

Q. Did any other person deposit any money at all for you? A. No sir, I deposited the moneys myself.

Q. Did you deposit them in checks? A. Oh, yes, sir.

Q. Or in cash? A. In checks.

Q. Deposited them in checks as you received them? A. As I received them.

Q. Did you at any time check off from any other bank of deposit, and deposit in any other bank, any of these moneys? A. That is one of those things I will decline to answer.

Q. Did you have more than two bank-books? A. I have declined to answer that.

Q. I didn't think you declined to answer that? A. Well, I will do so now.

By Mr. ALVORD:

Q. Permit me to ask you to decline answering another question, for you seem given to declination; did you ever deposit any of these moneys in any other name than your own? A. I decline to answer that.

Q. I want to repeat a question I asked you on Saturday? A. I am getting pretty tired.

Q. I cannot help it; I am tired; I am working here without any pay; I don't get a cent for this; I want to ask you a question predicated upon this proposition that you made, that you never paid directly or indirectly to any official in the commission of emigration, nor to any member of assembly, one dollar in money out of the moneys you received for any of this work you did, either in 1870, 1871, or 1872; did you ever pay directly or indirectly to James W. Husted a dollar in money? A. I decline to answer that question.

Q. Did you ever, directly or indirectly, pay to Alexander Frear a dollar in money? A. I decline to answer.

Q. Were you aware of the fact that Alexander Frear and James W. Husted wese commissioners of emigration at the time of the passage of the act of 1871? A. I think one of them was connected with it.

Q. Which one? A. My memory is that it was Mr. Husted.

Q. Mr. Husted? A. Yes, sir; I think so.

Q. Did you know whether or no Mr. Frear and Mr. Husted were members of the assembly of 1871? A. I believe so; yes, sir.

Q. Both of them? A. Yes, sir.

Q. Now, sir, you have positively sworn to the fact that neither a commissioner of emigration nor a member of assembly ever received a dollar from you by way of compensation? A. Yes, sir.

Q. For all the work, labor or services performed in reference to these questions? A. Yes, sir.

Q. Why did you decline to answer the fact that Mr. Frear and Mr. Husted did not receive any money? A. I think you ought to be satisfied with the answer as already given.

Q. I want you to give the reasons why? A. I won't give any reasons.

Q Did you, after these ceased to be members of the legislature of 1871 and ceased to be members of the commissioners of emigration, pay five per cent consequent upon the moneys you received out of this bill? A. I decline to answer that, sir.

By Mr. WAEHNER:

Q. Will you furnish this statement by Wednesday? A. I will, sir; I desire to state that —

[Mr. ALVORD objects to the witness making any statement, but the witness was permitted to do so by the committee.]

The WITNESS — It was Mr. Nelson, of Rockland county, who was good enough to interest himself on behalf of the emigrants in relation to that bill at Albany; I state that positively; I desire to state that I consulted with him several times concerning the passage of the bill·

and whether he voted for it or not does not affect the question that he took a very vital interest in it.

Mr. WAEHNER — That is your argument in relation to it.

The WITNESS — It is a fact that he took a vital interest in it; whether it was introduced in the senate or assembly first is a fact that had passed from my recollection.

Mr. WAEHNER — You stated positively awhile ago that it was passed through the assembly.

The WITNESS — Oh, yes, sir; I can contradict any man here in less than ten minutes.

Mr. ALVORD — I would like to have you contradict me in regard to any thing that took place in the legislature.

The WITNESS — Well, sir, I guess I could do it.

Mr. ALVORD — Well, sir, I will go on the stand and give you a chance to do so.

The WITNESS — The bill was one, the passage of which was demanded by both the public and the commissioners of emigration; and, as anybody will testify, it has worked very beneficial results; not a single dollar was ever spent to influence its passage in Albany; now, about this compilation of laws, this appears to be dated New York, March 1, 1871; my remembrance of this compilation is, that it laid in manuscript for a long time with the old board of commissioners of emigration, and that it was ordered printed by the new board, as I believe the compilation was completed in 1869, and I don't believe now there is any law in it later than 1869.

Mr. ALVORD — There is no law in it later than 1866.

The WITNESS — Certainly, no law later than 1869; so far as Mr. Dale's application to the commissioners of emigration for $600 to pay my expenses for the passage of that bill is concerned, I don't know any thing of it; I don't recollect at this distance of time, and so far as Gen. Jones' resignation in form to the commissioners of emigration, as counsel, is concerned, long after I supposed he had withdrawn from that position, I know nothing about it.

By Mr. ALVORD:

Q. Is that all? A. Yes, sir.

Mr. GEDNEY — I shall move, in executive session, that all this shall be stricken from the minutes.

By Mr. ALVORD:

Q. You say you talked with him in 1870? A. I believe so; yes, sir.

Q. Where? A. I believe it was in the assembly chamber.

Q. Was it during a session of the assembly? A. That is my recollection.

Question repeated? A. That is my recollection.

Q. In reference to this bill? A. Yes, sir.

Q. Did you call me out from the body of the assembly? A. I don't know how it was I met you.

Q. Was it during a session of the assembly? A. No, sir; I think I was in the house, and I don't know but what Mr. Nelson of Rockland county spoke to you about the bill.

Q. You say you talked with me? A. I think so.

Q. Do you recollect when and where? A. Oh, I can't recollect.

Q. Do you know whether the assembly was in actual and absolute session? A. I don't remember that either.

Q. Did your ever know me before? A. I never did.

Q. Did you see me afterward, there? A. Never.

Q. Did you know that my universal habit was, not to be interfered with during the progress of business in the house? A. I did not know any thing about your universal habit.

Q. Did you know I never permitted any one to talk with me while the house was in session? A. No, sir.

Q. Did you come to my desk, where I was? A. I don't recollect exactly where; it is five years and over.

Q. If it was fifteen years ago I could tell whether I ever saw you before, or not? A. I don't care whether you say you did, or not, but I say I spoke to you then.

Q. I want you to give us the *locus in quo*? A. I don't recollect exactly where.

Q. You are sure it was during a session of the legislature? A. Yes, sir

Q. While they were in actual operation of business? A. That is my recollection.

Q. You can tell whether it was at my seat, or where it was? A. No, sir.

Q. You can tell whether you called me out? A. I don't remember that; it was not a matter of such vast consequence that it would be likely to impress itself upon my mental vision.

Q. It would be of consequence enough to know that you talked to me, would it not? A. I remember the fact, but I don't remember every little detail of the surroundings.

Q. Do you remember whether I voted for that bill or not? A. I don't know, sir; I think you did; I hope so.

Q. And you had not sufficient knowledge of me to know my habit was never to permit any one to talk with me when I was on the floor? A. No, sir; I have no knowledge of your habits, and had not then.

Q. Did you approach me at all in 1871? A. No, sir.

Q. Were you ever introduced to me? A. I don't recollect, sir.

Q. Do you recollect whether I was one of the members of the judiciary committee in 1872? A. I do not.

Q. Do you recollect in what part of the Delavan House this committee on the judiciary met, in 1872? A. Oh, no, sir.

Q. Do you recollect any other member of the judiciary committee except Mr. Fields? A. Yes, sir, I do; there was a gentleman from Brooklyn, I think, named Cullen — that is my remembrance of the name—and Mr. Gleason.

Q. Was Mr. Gleason a member of the judiciary committee in 1870? A. I think so, sir; I think Mr. Kiernan was.

Q. Of New York? A. Yes, sir; I think that is my remembrance.

Q. Do you know whether Mr. Husted was a member of the committee on judiciary in 1870? A. I don't remember that.

Q. Do you recollect that Mr. Gleason was one of the committee in the minority in 1870? A. I don't remember whether he was in the minority or not then; I don't remember the political complexion of the assembly.

Q. Who was the speaker? A. Mr. Hitchman; it must have been democratic.

Q. Do you recollect a gentleman of the name of Van Steenburg in the assembly in 1870? A. No, sir; I never knew the man.

George H. McKay called and sworn.

By Mr. WAEHNER:

Q. Were you a member of the legislature of 1872? A. Yes, sir.

Q. And in that year what district did you represent? A. The 13th assembly district of New York county.

Q. In that year did you have any bill in charge in relation to the commissioners of emigration? A. I had a bill in charge to reorganize the commissioners of emigration.

Q. Did you have any bill in charge providing for the increase of head-money? A. I did.

Q. What was the nature of that increase? A. From $1.50 to $2.00.

Q. State what the proceedings were in the house, and before the committee, in relation to that bill? A. I received that bill from an agent, or agents, I forget which now, of the commissioners of emigration; it was on Saturday; I asked unanimous consent to introduce the bill, and it was given, and it was referred to the committee on commerce and navigation; that was Saturday, Sunday not being a legislative day, or Monday; Tuesday, Wednesday and Thursday being legislative days, and Friday; I had a seat in the back part of the assembly chamber, and Mr. Guy made a report of that bill, he sitting near

the speaker, adversely from the committee, and it was received by the house.

Q. What day was that? A. That was on the 29th, the Friday following.

Q. Did you at any time receive notice to appear before that committee in relation to that bill? A. No, sir; that was the exception; in that house I always received notice of every bill introduced to appear before the committee.

Q. Did you appear before the committee to argue in favor of it? A. No, sir; I had no opportunity to do so.

Q. Did you make any effort to have the adverse report reconsidered? A. I did not, because I did not learn the facts until afterward, when it was too late; I didn't know it until it was too late, although I was in the house then.

Q. It was done in the hurry and confusion of business? A. Yes, sir; and from the fact that he was in the front, and I was in the rear.

Q. State from information, or from your own knowledge, what influence operated in Albany to defeat the passage of that bill? A. I have been at a loss to know; one of the charges they had against the commissioners of emigration was that they had recommended that bill the year before, and growing out of that fact they gave me this bill to introduce.

Q. That was the old board that gave you this? A. Yes, sir.

Q. Did you ever hear of any body by the name of Michael Nolan while you were in Albany in 1872? A. Never.

Q. You saw Mr. Nolan upon the stand here a little while ago? A. Yes, sir.

Q. Did you notice that gentleman in Albany before? A. I never saw him until I saw him in the general sessions this year.

Q. You never had any conversation with him in Albany. A. No, sir.

Q. Or anywhere else until you saw him? A. No, sir.

Q. Did you ever hear in Albany that he had appeared before the committee on commerce and navigation? A. Never.

Q. And argued against the bill? A. No, sir.

Q. Did you ever hear that he had any connection in any way with the steamship companies? A. Never; I was thunderstruck when I learned it, and went to the minutes to see if it was actually so.

Q. Were you at any time advised in any manner at Albany as to what operated to defeat the bill before the committee? A. No, sir.

Q. Was there any rumor at that time that money had been employed to defeat the bill? A. No, sir.

Q. Did you know, at that time, that the steamship companies were antagonistic to the passage of the bill? A. I supposed so from the year before; I will say in that committee, in the reorganization of this

commission, there was a great contest in reference to getting the names of certain commissioners in; that may have led to the defeat of the bill; that is the only way I can account for it; I introduced that bill on the 11th of January, and it was not reported until the 29th of March.

Q. The reorganization bill? A. Yes, sir, and there was a contest in the committee to get members on the commission all the time; as soon as it got in that state, I took no more interest in it.

Q. Mr. Guy was not the chairman of that committee? A. No, sir; that is what threw me off my guard; Mr. Alvord was.

Q. Do you know whether Mr. Guy was in favor of it? A. No, sir; Mr. Judd was the gentleman that I depended on.

Q. You were in the minority in that legislature? A. No, sir; in a vast majority; that was the only important matter I had there.

By Mr. ALVORD:

Q. Were there any dissenting voices in that report? A. Not that I know of.

Q. Have you examined the report to find out? A. Not all their report; no, sir.

Q. Is it the usual and ordinary course in a committee in the legislature, so far as your observation extends, to report an important bill other than through the chairman? A. That has always been the rule, sir — always.

Q. Do you recollect the fact, when this report was made by Mr. Guy, whether or no the chairman of that committee was in attendance? A. He had just made a report on the other bill.

Q. The same day? A. The same day — the same time.

Q. Then he was in his seat? A. I think he was; the other report on reorganization preceded this report.

Q. Was this report before or after the initiation of the committee on commerce and navigation in 1872, in regard to matters on quarantine? A. I think it was after.

Q. No report had been made to the legislature? A. No, sir, it was going on.

Q. But it was then going on? A. Yes, sir.

Q. As far as your knowledge extended, so far as you were concerned personally, and so far as your information extended, was it customary, when gentlemen introduced bills, which were referred to committees, to notify them of the fact that a hearing was to be had? A. Always, except in this case.

Q. I am talking about the custom? A. Yes, sir, that was the custom invariably.

Q. That the hearing was to be had before the committees to which they were intrusted? A. Yes, sir.

Q. In this individual case you never was notified? A. Never.

Q. Were you ever notified of that case, either by parties in New York or by parties in Albany, that this matter was being taken care of outside of you? A. No, sir, I was supposed to have charge of that bill.

Q. Were you ever notified that Bernard Casserly, or Daniel Casserly, or any other person connected with the commission of emigration, were to take charge of that bill, and endeavored to carry its passage through outside of you? A. No, sir; I think one of the Casserly's were present when I received the bill for intoduction.

Q. How did you receive the bill — by letter? A. No, sir; by persons coming to speak to me.

Q. Who gave you the bill? A. I don't remember now; but since you recall Mr. Casserly's name, I think he was one of the gentlemen present.

Q. At the time you received the bill? A. Yes, sir.

Q. And you never received any information from any source that the bill was to be taken care of before the committee by anybody except youself? A. Except myself; I was prepared to do it with statistics, and other matters.

Q. Had you been furnished with the necessary data upon which to litigate and argue in favor of the bill? A. Yes, sir,

Q. Who had you been furnished with that data by? A. By these parties; they handed me a brief.

Q. At the time they handed you the bill, and you introduced it, and handed you this brief, was it understood that you were to be the advocate of the bill before the committee? A. Yes, sir, I was to push the bill.

Q. Did you intimate to any of the committees that you desired to be heard on this subject? A. I think I did to Mr. Judd, and I think he was away at the time on this investigation.

Q. Did you to Mr. Alberger? A. Yes, sir, I think I did.

Q. Then you intimated to the committee that whenever this question was up you desired to be heard? A. Mr. Alberger knew it.

Q. You intimated to him that you desired to be heard on this bill? A. Yes, sir.

Q. And this report came in without your knowledge? A. Yes, sir.

Q. Without your consent? A. Yes, sir.

Q. And utterly in abnegation of the ordinary courtesies of legislation? A. Yes, sir.

By the CHAIRMAN:

Q. They never intimated to you that they intended to make an adverse report? A. Never.

By Mr. ALVORD:

Q. In connection with this, did you ever investigate this matter as to whether there was any formal argument, *pro* or *con.*, before this committee? A. I could not ascertain; I went to Mr. Guy about it, and he, in his German way, tried to push me away.

Q. Did you go to any other member? A. No, sir; Mr. Judd being absent I went to Mr. Alberger and Mr. Guy, and a man in Buffalo.

Q. You never conversed with any of them in regard to the fact whether there was any argument in regard to the bill, except to Mr. Guy? A. No, sir.

Q. In your investigation, so far as you went, what is your recollection — was there any formal argument before the committee? A. I never ascertained, and never could ascertain, whether there was any formal argument before that committee.

Q. What conclusion did you come to? A. As I said before, I came to the conclusion that this quarrel about the names had got up a feeling in that committee, and that thing was reported in that way, and I could not trace it to any other source.

Q. Did you come to the conclusion that there was no formal argument before the committee? A. Yes, sir.

Q. Did you ever see Mr. Nolan, to your recollection, in Albany? A. No, sir; I never knew who he was until he appeared as assistant district attorney in the general sessions, and then I understood he used to be an assistant under Patrick H. Jones, when he was clerk of the court of appeals.

Q. And with that exception, you have never met him? A. I have talked with him in the house.

Q. But you have no recollection of ever having seen him in the city of Albany? A. No, sir.

Q. The courtesy of the legislature always demands, as you understand it, that a party interested in, and introducing a bill, shall be notified of its hearing before the committee? A. I invariably received a notice from the chairman, or a messenger, in every other case except that.

Q. Did you understand that to be the courtesy of the legislature? A. The custom of the legislature.

Q. And in this case of yours, you never received any intimation? A. No, sir.

Q. And you were not aware of the fact that there was to be an adverse report until it came in, and in the hurry and confusion it was

passed? A. I didn't know there was any adverse report on it until the time for reconsideration had expired; Mr. Guy was a small man, and, coming from that quarter, I didn't know any thing about it.

Q. The ordinary custom is that, in all important bills the chairman makes the report? A. Always; that is always understood, except absence or sickness.

Q. Mr. Guy was a democrat? A. No, sir; a republican; Mr. Guy was advocating Willy Wallach as one of the commissioners, and his name was not on the commission, as proposed in the committee, and he would not consent to report; I know there was great feeling; I have none; my man was there all the time.

[The chairman stated that he had just received a letter from Mr. Vosburgh, a member of the committee, dated at Albany, in which he (Mr. Vosburgh) stated that he had examined the books of the Delavan House from March 1, 1871, to May 1, 1871, and that there was no record on them of the name of Michael Nolan during that period.]

On motion, the committee went into executive session, and, after the expiration of the executive session, the stenographer was notified that the testimony of the witness Nolan, which Mr. Gedney gave notice that he would move to have expunged from the record in executive session. was to remain as part of the record.

On motion, the committee adjourned to meet at Castle Garden on Tuesday, July 27, at 10.30 A. M.

NEW YORK, *July* 27, 1875.

The committee met pursuant to adjournment at 10:30 A. M.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Vosburgh and Waehner.

Horace Russell called and sworn.

By Mr. WAEHNER:

Q. You are one of the assistant district attorneys of the county of New York? A. I am.

Q. How long have you known Michael Nolan? A. I am not certain; I have known him a good many years; sometime in the war I first came to know him; whether I knew him personally then I don't know, but I have known him a great many years.

Q. Do you know the time he was appointed one of the assistant district attorneys, or a sub-assistant district attorney in the office with you? A. Very well.

Q. When he was appointed did he call and see you in relation to the matter? A. I called upon him, I think; he was appointed, not at

his suggestion, but at mine; it was a matter of surprise to him that his name was suggested.

Q. Did you have any conversation with him in relation to his connection with the steamship companies for the passage of the law of 1871 reducing the tax on emigrants? A. Yes, sir.

Q. Will you state what that conversation was, and where it occurred? A. Shall I state somewhat fully?

Q. State as fully as you choose? A. I had called upon him and had suggested there was a vacancy in that position, and that from my knowledge of him, and my friendship for him, I was desirous he should receive the appointment; I asked him to go to Watch Hill with me, where Mr. Phelps was, in order to introduce him to Mr. Phelps; he procured one or two or three letters of recommendation from personal friends, one I remember from Judge Van Cott, and we went by steamer to Stonington in August of last year; on the way there he asked me whether I thought his connection with a bill to reduce head-money — whether his connection with that old matter of head-money — I think he said, that was of such a character as that it ought to be stated to Mr. Phelps before he was appointed, if so, he would state it, because, if I thought there was any question about that, he felt he ought not to be appointed without a full statement of his relations to that matter; I told him that, from what I knew about it, I could not see any fair reason for stating any thing to Mr. Phelps about that any more than any other business; as far as I knew about it, his connection with it was a purely legitimate, lawyer-like transaction, such as other lawyers are engaged in, and I saw no special reason for mentioning any thing about it to Mr. Phelps any further than that he should say to me he made a sum of money in Dutchess county, or should say to me that several years ago he had made a handsome fee in Dutchess county out of a suit, that I saw no reason why he should mention that.

Q. Did you make any statement to Mr. Phelps, or did Mr. Nolan make any statement to Mr. Phelps in relation to that matter? A. I have no impression that I did; my impression is that the matter stopped there; that he made this suggestion, and that I made that reply.

Q. You did not make any statement of this matter to Mr. Phelps? A. I do not remember that I ever did; it is possible that I did, but my recollection is that I did not.

Q. Did Mr. Phelps at any time make any question to you in relation to it? A. Never in the world.

Q. And from that you would infer that it would be reasonable to suppose you didn't make any statement to him, if he didn't call the matter in question? A. I am quite certain Mr. Phelp's first know-

ledge of the matter was during the last week or two, since the investigation commenced; I ought to say at the same time that it is possible, I have not read the testimony, but I believe Mr. Nolan stated it was his believe that I had — it is probable he drew from my conversation the inference that I would say some thing about that, but I had no knowledge of any thing that in my judgment require an explanation.

By the CHAIRMAN:

Q. I don't see that you could have drawn any such inference from what you have stated? A. I don't say it was a just inference, I say it is possible that conversation, not being accurately remembered by him, may have led him to imagine it went further than it did.

By Mr. WAEHNER:

Q. Can you state to the committee what knowledge or information you had in relation to that transaction at the time of this conversation? A. I will; shall I state it fully?

Q. Yes, sir. A. The first knowledge I think, I had was early in 1873, possibly before; it was a considerable time after the passage of the bill I remember, or I remember that Mr. Nolan was in my office, and I had known him very well and had been a very warm friend of his, and he told me he made a very handsome fee in getting a bill through the legislature to reduce the head-money; he said that he had had some connection with the steamship companies previous to the introduction of this bill in getting a bill through with reference to emigrant robberies, I believe was the expression; I remembered at that time that some men had been prosecuted under a bill, and that there was a good deal of excitement about it, and that he in that way made their acquaintance; and that it was the opinion of the commissioners of emigration that the head-money might properly be reduced; his connection with the former bill induced the companies to employ him in that matter, and he made a handsome thing out of it; and they paid him after the matter was over, by assessing upon the steamship companies *pro rata*, I think, upon the emigrants who arrived.

Q. *Pro rata* upon the emigrants who arrived? A. Yes, sir.

Q. Was that all the knowledge you had of the transaction? A. That was all, except I remember on one occasion there was a legislative committee here, and I heard, whether from him, or from some other person I don't know, that some member of the committee — I heard it, whether jokingly or in earnest, that he was sorry such a good thing went through the legislature, and that he didn't get his rake — something like that; those two things constitute all the knowledge I have on the subject.

Q. You say, excepting the conversation that you had with Mr. Nolan, in which he imparted this information to you, that he had made a very handsome fee out of the steamship companies; and the statement you have just made in relation to the investigating committee of 1872, you have no knowledge of the matter whatever? A. Not that I now remember; that constitutes the body of the knowledge that I had on the subject.

Q. In this conversation with Mr. Nolan did he tell you what the amount was that he had realized out of the steamship companies? A. He never did; no, sir.

Q. Did he mention any sum at all that he had received from the steamship companies? A. I don't recollect that he did; he gave me to understand that it was a very heavy fee; no sum was ever stated.

Q. Did he in that conversation indicate that it was a matter of his own private concern, that is to say, a matter of private account with him, or that it was part of his legitimate profit as a member of the firm of Wilson & Nolan at that time? A. My impression is the firm at the time he undertook that service was not Wilson & Nolan; my impression is that Mr. Dukes was in partnership with him.

Q. Joseph H. Dukes? A. Yes, sir; and possibly General Palmer was with him at that time; I am not certain.

Q. Did he say that was a matter of his own private account, or whether it was a firm transaction; did he say any thing about that? A. I don't think he said any thing on that subject one way or the other; I was left to understand that he undertook this business as a lawyer, and carried it through as a lawyer, and he considered it as part of his law business, and whether it went to the credit of himself in the firm account, or to the credit of his copartners, he said nothing; I had no information on that subject.

Q. Do you know, or have you seen from bank-books in the posses sion of Mr. Nolan at any time, in what banks he kept his account in 1871 or now? A. I remember loaning him some money once, and he gave me a check on the Union Trust Company in payment of it.

By the CHAIRMAN:

Q. Will you state that amount? A. It was a trifling amount, $100, or some such sum.

Q. Or the year? A. No, sir; I have been in the habit of loaning him money.

By Mr. WAEHNER:

Q. Was it before he was connected with you in the office, or after? A. Oh, yes, sir; from the time he first landed in this country, an Irish

lad almost, I lent him money whenever he had occasion for it; it was always repaid very promptly.

Q. Have you seen any other bank-book or has he given you any other check on any other bank besides the Union Trust Company? A. I think he has; whether it is the Manufacturers' or Merchants', I cannot now state what the bank was.

Q. Do you think it was the Manufacturers and Merchants' bank? A. I have an indistinct impression; I could not say that it amounts to an opinion.

Q. Did he give you a check upon that bank? A. I say I am not certain; he gave me a check on some bank or other; I have only an indistinct impression.

Q. Do you know that he gave you a check upon any other bank besides the one you have mentioned as being the impression that he has given you a check? A. It is my impression that he has given me checks in payment of loans, small checks always, at one time or another within the last year on some bank which has the word "Manufacturers" in it; further than that I have no impression.

Q. Did you deposit that check to the credit of your bank? A. I probably did.

Q. You didn't collect it personally, yourself? A. Oh, no, sir; I never do that.

Q. You were never interested in business with Mr. Nolan as a partner in any way, were you? A. Never in any way; I never had any other relation with him than as a friend, except he is now my subordinate in office.

Q. Did you have any conversation with Mr. Nolan after this conversation that you have detailed in which he told you that he had made a pretty good thing in this matter in relation to this steamship bill? A. Except at the time I have mentioned, when I understood some legislative committee was here making an investigation: I have no recollection that I did; it is possible that I did; but if I did, it was a very brief and unimportant thing; so much so that it made no impression on my memory.

Q. Did I understand you correctly awhile ago to state that he told you one of the members of the investigating committee said he was sorry that he had a rake in the transaction? A. I stated before; whether he mentioned that to me or some one else, I don't remember.

Q. Was the name of that member of the committee mentioned? A. I think it was.

Q. Can you give us the name now? A. I can; I should regret to do so, because my impression is that what was said by this gentleman was said, if at all — I have only an indistinct recollection of his saying it — my impression is he said that word; but to repeat it and have it

go in the papers might do that person some injury; I make that statement, and, of course, I am subject to your demand after that; my idea is the suggestion was made in jest entirely; and if it came to a serious statement, it would be a detriment to that gentleman.

The CHAIRMAN — You must understand this, that the legislature is censured by the public press, and announced from one end of the state to the other as corrupt for receiving money for their legislative duties; when, in fact, they do not receive money, and such men as Nolan are the ones to get it, and I don't see any impropriety in naming the member of the legislature who he said got it, if he was a member; there is scarcely a person in the state but what believes that members of the legislature got a large portion of this money that was paid to Nolan by the steamship companies, when I don't think a single member of the legislature got a dollar of it.

The WITNESS—Well, I always understood that no member of the legislature got a dollar of it; he told me so at the time.

The CHAIRMAN—Still they are denounced as a corrupt body for the very action of Mr. Nolan.

The WITNESS—I never heard them denounced for that, although I heard them denounced for other matters; Mr. Nolan always stated to me that he never paid any member of the legislature a dollar of that money; I have no objection to naming to you the name privately; I am quite certain it was a matter of jest.

Mr. WAEHNER—Very well; you can state it at some other time, and, if we deem it a matter of importance, we will follow it up.

By Mr. WAEHNER:

Q. Can you state whether Mr. Nolan gave you the names of any persons, or told you that he had been assisted or advised by any persons, in relation to the passage of that bill of 1871? A. My impression is that he told me that his personal relations — having lived in Albany a good many years — with members of the press in Albany, particularly with the editor of the Irish paper there, and with several other young gentlemen connected with the press, were such that they were very glad to advocate his bill and to produce a sentiment favorable to it; beyond that he never told me, and he never mentioned in that connection the name of any one; he only said the boys were glad to give him a lift in producing a sentiment favorable to the bill.

The CHAIRMAN — The term "boys" at Albany has a peculiar significance?

The WITNESS — I understood him to mean the newspaper boys.

The CHAIRMAN — The most notoriously corrupt portion of the body are known at Albany by the term of the "boys."

The WITNESS — Well, he used that word so immediately connected

with those newspaper men, that I am quite certain he had no reference to any person in that matter but them.

By Mr. WAEHNER:

Q. You think he had been intimately acquainted with them at that time? A. Yes, sir, he had been clerk in the court of appeals office at that time, and had the friendship of the young men.

The CHAIRMAN — Without any disrespect to these gentlemen reporters here, probably five out of every seven persons who come to Albany during the winter as representatives of the press, spend more time in lobbying through doubtful schemes than attending to their papers.

The WITNESS — It is a more lucrative employment I suppose.

The CHAIRMAN — Five out of seven, and they are the worst class of lobbyists around Albany.

By Mr. WAEHNER:

Q. Did Mr. Nolan ever tell you that he had been advised or assisted in this matter by Gen. Jones? A. He never did.

Q. Did he tell you that this employment had been procured by him by the steamship companies through Gen. Jones, or through any person connected with the commissioners of emigration? A. No, sir; I always understood from him that it was complimentary to himself personally; that the application was made to himself, or that he obtained it personally without the aid of those persons.

Q. That was your understanding? A. Yes, sir; but whether I mentioned that, or he mentioned something which led me to suppose so, I am not able to say, but that was my understanding; how far it could be justified, I could not say now.

The CHAIRMAN — But I should say this, young men, that the reporters for the leading New York papers were exempt from that accusation; I never knew a reporter from the leading papers to do so, but from other parts of the state; there are a very large number of reporters outside of the city of New York; of all the leading papers there, I never knew a reporter to be engaged in lobbying.

By Mr. WAEHNER:

Q. Since this investigation has been opened, has Mr. Nolan suggested to you or told you any thing further in relation to the passage of that bill, or any matter or circumstance connected with which you can now tell the committee? A. No, sir; I did not see him; I have been out of town myself until yesterday morning; I got back yesterday morning; he called at my office last night; I had then received the subpœna of the committee; he was somewhat excited and nervous, for he is some-

what overworked; I told him it would be probably better not to talk over the matter, as I was subpœnaed to come before this committee, and it would be better for us not to enter into any discussion.

Q. You had no conversation with him? A. I have not even read his testimony in the papers.

By Mr. VOSBURGH:

Q. At the time you went to Watch Hill with Mr. Nolan to see Mr. Phelps to urge his appointment, if this matter had been a legitimate business, and one that any respectable lawyer would take up, don't you think he was rather solicitous in mentioning this fact to bring it before Mr. Phelps? A. You are asking me for my opinion now, sir; I have been testifying as to facts; it didn't so strike me then; the only thought I had about it was, there had been a legislative committee about it, and they had investigated it.

Q. Mr. Nolan was not investigated then, was he? A. I understood there was some investigation to that effect.

Q. It was shut off before they got to him, for some reason or another? A. I didn't so understand; I understood substantially the same testimony was then given in reference to him that has been given now; I understood that was a matter of public investigation in regard to him.

By the CHAIRMAN:

Q. The fact is, you inferred from the conversation you had with Mr Nolan, that it was purely a professional transaction on his part, that he was engaged as counsel? A. That he engaged in this business as hundreds of lawyers are said to do, to get bills through the legislature. it is looked upon in England as a legitimate business, but not so much so here.

Q. You inferred from his talk that he had taken some action to further the passage of this bill, I suppose? A. At the time the bill was in progress, my personal relations with him were such, that I knew his movements, and I remember his being away a good part of that winter at Albany, or frequently; I don't know how frequently, but I remember his being away at Albany.

Q. At Albany? A. I remember his being away, and it being said at his office, that he was at Albany; I didn't follow him there.

Q. You inferred from his talk that he did take some action to further the passage of this bill? A. Most certainly if he said so, I should have believed him, and he did say so.

Q. Have you any knowledge of the progress of bills through the

legislature? A. Not at all; once in a while I have had occasion to send a bill there, but it was of such a public character that it was not necessary for me to advocate it.

Q. Suppose Mr. Nolan performed no service, and did no act to further the progress of this bill, or its passage in the legislature, do you regard his conduct as perfectly honorable and legitimate in taking this money from the steamship companies? A. Am I to be the judge of this proceeding; I don't know that I am elected to any such position, Mr. Speaker.

Q. I don't ask you to judge Mr. Nolan's position? A. Don't ask me to express an opinion; I will state any fact.

Q. I don't; I merely ask you a hypothetical question; if no act had been done, or no services rendered to further its progress or passage by any one, would you regard it as an honorable and legitimate and professional transaction to take the amount of money that was taken from the steamship companies? A. If Mr. Nolan —

Q. Leave out Mr. Nolan? A. If no one rendered and service whatever, and they were paid for a service which they did not render, of course I would not; but I have no doubt he did render some service.

Q. My question was general? A. I don't think it is proper to profess to perform a service and be paid for a service that one does not perform, but if I am to express a belief I must express the belief that he did perform a service.

Q. What service do you think he did perform? A. The one he said he performed.

Q. What was that? A. That he appeared at Albany to advocate the passage of the bill, and did what he could to produce a sentiment in its favor, and had charge of the bill, as he said, in general terms.

Q. He testified here that he appeared before the committee, and made a long argument before the committee on commerce and navigation; it turns out by the records of the assembly that it never went to a committee, and, therefore, he could not have made any argument; he also testifies that, when the bill was in the senate, he appeared before the senate committee on commerce and navigation, and made an argument there, and stayed there until the bill was passed; it appears that he never went to the committee on commerce and navigation and never went to a committee on which there was any argument at all, but was passed through the influene of Mr. Tweed? A. It had a record on the journal of the senate that it passed through the influence of the senate; you draw that inference.

Q. No, it is not an inference? A. How could it be otherwise?

Q. It appears on the senate journal that when it came to the senate it was referred to the committee, of which Mr. Tweed was chairman, to wit, the committee on cities, and, if it took a legitimate reference,

it would have gone to the committee on commerce and navigation, and that Mr. Tweed, without any hearing before the committee, reported the bill to the senate, all on the same day; and it further appears, from the house journal, that it must have passed in the house within three minutes after it was introduced in that body — introduced by unanimous consent. A. He must have created a very powerful sentiment in its favor, if he could have got it through with such speed as that, or some one must.

Q. The same one was Alex. Frear of the city of New York; he had charge of it in the house; I suppose you know him? A. I have seen him.

Q. And in the senate Mr. Tweed had charge of it? A. I have seen him.

Q. You probably can infer as well as us the reasons that induced its passage? A. I am not disposed to do so.

By Mr. ALVORD:

Q. He swore upon his direct examination that he took this bill to Albany and prepared it; that he got a country member to introduce it, and went before the committee on commerce and navigation, and made an argument of an hour on it.

The CHAIRMAN — That he was before the committee an hour.

By Mr. ALVORD:

Q. Yes; he having made an argument in favor of the bill, and that it then went to the committee of the whole house and received a discussion in the committee, and went in the usual course to a third reading, and took five or six days to pass, from the time it went into the assembly; the journal shows Mr. Frear introduced it and Mr. Burns moved for unanimous consent that it pass, and it was put on its final passage and passed and sent to the senate; those things we gentlemen of the legislature know generally take about three minutes, and this is all that was done. A. I think Mr. Burns was called the member from Sligo.

Mr. ALVORD — Yes.

The WITNESS — All that was necessary in those days was to get his support of a bill, and it went through.

The CHAIRMAN—Mr. Nolan, here, yesterday, swore he never spoke to Mr. Burns on the subject.

The WITNESS — I have no knowledge of all these things; I have stated all the knowledge I have on the subject.

The CHAIRMAN—In this connection, with the uncontradicted statement, as Mr. Nolan testified here when he commenced his examination Saturday, if he told you what he first testified to, I can see very well

that you would regard it as perfectly legitimate for him to receive the money; but when it turns out that he was mistaken in every particular, that he could not have rendered the services that he claimed to have performed—if, on this turning out not to be so—you would not have thought it proper for him to receive it?

The WITNESS—As the Dutchman said, "If our foresight was as good as our hindsight, we would make no mistake;" under the same circumstances I would have acted in the same way, probably, but under different circumstances I might not have done so.

By Mr. WAEHNER:

Q. Did Mr. Nolan ever tell you that he had drawn this bill? A. I do not remember that he ever did; I don't suppose I have had 20 minutes' conversation with him altogether, at all times, in reference to this matter.

Q. He told you that this matter had been advocated by the commissioners of emigration? A. That I remember, his mentioning that it was a bill favored by them.

Q. Didn't he tell you this bill was placed in his hands by some of the individual members of the commissioners of emigration? A. No, sir; I understood his employment to be by the steamship companies, and one of the reasons of his employment was that he had been formerly in some way connected with the commissioners of emigration other than as an emigrant.

Q. How came it to pass that Mr. Frear introduced the bill? A. I never knew who introduced the bill; I don't remember that he ever mentioned to me that Mr. Frear introduced the bill.

Mr. CHAIRMAN—It is very evident that Mr. Nolan didn't know until the journals of the house were introduced; he said it occurred to him that he did get the bill through, but he would not be positive about that; you might as well call things by their proper names; it was a ring matter, and the ring put it through the legislature.

The WITNESS—You have been asking me about checks and bank accounts to such an extent that I hope you won't get me involved in that part of your investigation; your investigation upon that subject was for the purpose of ascertaining whether I knew where he kept his bank account, and not with a desire to impute to me any share in that?

Mr. CHAIRMAN—No, sir.

The WITNESS—I don't want any false record in regard to that, either in your record or in the papers.

John G. Dale called and sworn.

By Mr. WAEHNER:

Q. What is your business? A. I am the managing agent of the Inman Steamship Company.

Q. And have you been such since the year 1870? A. Yes, sir.

Q. Do you know anybody by the name of Michael Nolan? A. I do.

Q. How long have you known him? A. I think my acquaintance commenced with him in 1869 or 1870; I really cannot give you the exact date, or 1871; somewhere in those years.

Q. In what manner did you first become acquainted with him? A. About 1869 or 1870 a great many passengers going to Europe were swindled by runners and people who kept bogus offices here; our company was very much annoyed by this, and sent back three or four at our expense who had been swindled, and kept them here for a time to prosecute the parties; the passenger business in our office is a separate department under another man, Mr. Nicholson, and at that time we employed Mr. Nolan to prosecute those people, and afterwards to take some measures to have a bill introduced in the legislature.

Q. I am asking you in what manner you became personally acquainted with Mr. Nolan, the occasion of your first introduction to him, or seeing him? A. I didn't know Mr. Nolan at that time; this is introductory; subsequent to that, about 1870, Mr. Nolan made a proposition to me with regard to endeavoring to have a bill introduced in Albany reducing the head-money, *per capita* tax; his fee was to be a contingent one.

By the CHAIRMAN:

Q. What time in 1870 was that? A. I can not positively give you the date, Mr. Chairman, but I infer it was 1870, because the payments were made in 1871, after the legislature adjourned; I am not positive as to the fact of the date when I first saw him.

By Mr. WAEHNER:

Q. Was it about the time that he was engaged in prosecuting these ticket swindlers? A. It was after that.

Q. Immediately after closing the prosecution of those men? A. I cannot say immediately, but in the course, I should say, I have no positive recollection of dates at all, but it was subsequent to that.

Q. Was it a short time or a long time after? A. It was, probably in the course of the year afterward, I fancy.

Q. These ticket swindlers were prosecuted, you say, in 1869 and 1870? A. I am not speaking from any personal knowledge of those things, because they are not in my department of the business; they

are managed by Mr. Nicholson; I didn't know any thing about it until I inquired two days ago, whether Mr. Nolan had been employed in any way like that, and I found he had.

Q. But you are certain Mr. Nolan spoke to you about this matter in the year 1870? A. Which matter do you refer to?

Q. With regard to procuring the passage of a law to reduce the tax on emigrants? A. No, I am not certain it was in 1870; it must have been previous to 1871, because we began to pay money in 1871.

Q. State what the nature of this arrangement was that you made with Mr. Nolan? A. The nature of the arrangement was this; he was to work and endeavored to get the law altered reducing the per capita tax from $2.50, I think, to $1.50; provided a bill was passed we agreed to pay him twenty-five cents a head on all the alien passengers arriving up to a certain time; I think it was a year at that time.

Q. You think it was a year? A. A year or fifteen months; I cannot recollect the exact date now, it was so long ago.

Q. From what time were those payments to be calculated? A. From the passage of the bill reducing the head-money.

Q. Then he was to receive twenty-five cents for each emigrant arriving at this port for a year? A. Each alien emigrant.

Q. Your company paid him these moneys, did they not, from time to time? A. They did.

Q. Can you state in all how much money was paid by your company to Mr. Nolan? A. I can.

Q. How much? A. $18,357.

Q. When was the first payment made? A. The 28th of April, 1871.

Q. When was the last payment made? A. The 18th of August, 1872.

Q. At the time when this arrangement was made with you by Mr. Nolan, was there any thing put in writing in relation to it? A. There was.

Q. Are you a member of the North Atlantic Steamship Traffic Conference? A. I am a member, as representing my company.

Q. Did this conference take any action with regard to the employment of Mr. Nolan, or authorize you to employ Mr. Nolan in its behalf? A. It did not.

Q. Were there any proceedings taken at any of the meetings of that conference with relation to the employment of counsel other than Mr. Nolan, or of any parties to further the passage of that bill? A. At that time you speak of?

Q. At any time, either in 1870 or 1871? A. Neither in 1870 nor in 1871.

Q. There was no action taken? A. No action taken in that conference whatever.

Q. Then you were not acting as a committee appointed by this conference to employ Mr. Nolan in its behalf? A. I was not acting as a committee for any body; I was acting as an individual.

Q. Will you state what proceedings and steps you took to procure the co-operation of the other companies in relation to this matter? A. I think simply a memorandum was drawn up that they would pay to Mr. Nolan their proportion on a bill being passed reducing it, which was sent around by my clerk.

Q. By one of your clerks? A. He went around, and had these gentlemen, representing other companies, sign that paper.

By the CHAIRMAN:

Q. Mr. Nolan put you in the position yesterday of hunting him up? A. No, sir; I did not.

By Mr. WAEHNER:

Q. What was the name of that gentleman? A. John Kirk.

Q. Is he still in your employ? A. Yes, sir.

Q. Will you state whether Mr. Nolan was the person who proposed the passage of the bill to you in the first instance? A. He was.

Q. You didn't seek after Mr. Nolan? A. I did not; Mr. Nolan proposed a very advantageous arrangement to me, which, in the interest of my company, I felt bound to accept; I paid no money until an advantage was gained, and then I was willing to pay for it.

Q. Did you yourself see any of the agents of the other steamship companies, and state what the arrangement was? A. Very likely I did, but I cannot recollect, possibly; it is very probable I did.

Q. Was there any action taken in relation to this matter at any of the meetings of the conference in 1872? A. No action was taken with regard to the matter of Mr. Nolan at any conference whatever in 1871, 1872, or at any other time.

Q. Then it was not a preconcerted arrangement on the part of the steamship companies, or a concerted arrangement on the part of the steamship companies acting through this conference? A. Not at all; the conference had nothing to do with it whatever.

Q. What has become of this paper you signed, and the other steamship companies, and gave to Mr. Nolan? A. I have not the remotest idea.

Q. Did you keep any copy or memorandum of it? A. I did not, and don't know what has become of it.

Q. Didn't you make any memorandum upon any book at that time or on any paper showing what the nature of the arrangement was, so as to guide you in your payments? A. I did not.

Q. Can you now state positively whether this arrangement was for one year or 15 months? A. I think the first arrangement—

Q. I am speaking of the arrangement you made with him in 1870 or 1871, whether it was for one year from the passage of the bill or 15 months? A. I cannot state positively; if you ask my opinion I will give it.

Q. I will take that? A. My opinion is it was for 12 months at first, and for some reason or other it was altered to 15 months.

Q. When was that alteration made? A. I don't remember.

Q. Was it made in 1872, after a bill had been introduced in the legislature increasing the head-money? A. I don't remember.

Q. Is it your impression that an arrangement was made after that time? A. It is my impression it was made during the close of 1871, or the beginning of the following year.

Q. Was it before the meeting of the legislature of 1872? A. I don't remember; I could not recall now the reason why it was done; I have been trying to think it over this morning.

Q. Did any other person see you prior to the time that you spoke to Mr. Nolan in 1870 or 1871 in relation to this arrangement, and advise you to employ Mr. Nolan, or suggest the employment of Mr. Nolan to you as a proper person to secure the passage of this bill? A. No person.

Q. Do you know any person by the name of Patrick H. Jones? A. I do.

Q. Did you, at any time, have any conversation with Patrick H. Jones in relation to this matter? A. I have had relations with Patrick H. Jones, incidentally; he was then postmaster, and I had a good deal of business to do with him as postmaster, and my impression is that the subject was mentioned there occasionally, incidentally, that such a measure was being advocated to reduce the head-money.

Q. This was in the year 1871? A. I fancy it was, but I cannot tell you.

Q. Were those conversations had before you employed Mr. Nolan, or after? A. After.

Q. Can you now state any of those incidental conversations or their substance? A. I cannot; they were so unimportant, and made so little impression on my mind, that I have not the remotest impression what they were.

Q. Did Gen. Jones, in any of those conversations, suggest to you that Mr. Nolan was a proper party or a safe man to pass a bill of this kind? A. Gen. Jones never made any such suggestion to me, either after Mr. Nolan was employed or before; my business with him was on postal affairs.

Q. Did you make any payments in cash to Mr. Nolan of any part of these moneys? A. All made in checks.

Q. Drawn upon what bank? A. Drawn upon the Merchants' National Bank.

Q. Have you those checks in your possession now? A. Yes, sir.

Q. Will you be kind enough to produce them before the committee? A. I will; it will take some little time to hunt them up; they are stowed away in my warehouse; it will take some little time to find them.

Q. Were you one of the committee appointed in behalf of the steamship interests to consult with the commissioners of emigration, in the year 1870 or 1871, with relation to the reduction of head-money? A. I was not on any committee; I was invited by the commissioners of emigration to come down to this room and talk with them, as all other agents were; I was not on any committee.

Q. Do you know whether there was any committee appointed by the steamship companies on behalf of the commissioners of emigration in relation to this matter? A. I do not know that there was any committee; I was not one of it, if there was.

Q. Did you attend regularly upon all the meetings of this conference of the steamship companies? A. I think there are very few exceptions that I have been absent, I have read the record of every one of them carefully.

Q. Have you got those records still in your possession? A. I have; I think so.

Q. They are minutes of the proceedings of the conference printed? A. They were printed at that time, I think, and I think they are in existence still; the conference broke up shortly after that, and there was an interregnum for a time.

Q. The minutes of 1870 and 1871 were printed; have you those in your possession? A. I think we have.

Q. Are you acquainted with Mr. Cortis, of the White Star Line? A. Yes, sir.

Q. Do you know whether at any meeting of the conference Mr. Cortis arose and stated that Mr. Nolan had been employed in behalf of the steamship interests and he ought to be paid, and for that reason requested other steamship companies that had been derelict in paying to come forward and pay? A. In the first place Mr. Cortis was not the agent of the White Star Line at that time; I never heard Mr. Cortis make any such remark in conference, or any thing in substance, or any thing approaching it, or mention the subject.

Q. Did you at any time have any conversation in the year 1871 with any of the members of the commission of emigration in relation to the passage of an act of the character that was passed in 1871 reducing

the head-money. A. I had a conversation in this room with the commissioners of emigration, but in what year, or what date, I cannot positively remember.

Q. I ask you now individually and privately whether you had any conversation? A. I answer you individually I had a conversation in this room, but when it was I don't remember, whether in 1870 or 1871.

Q. That conversation was with the commissioners of emigration acting here as a body? A. Yes, sir.

Q. Did you have a conversation with any individual member of the committee outside of a regular committee meeting? A. I don't know that I have; I may have met Mr. Lynch in the street and stopped and spoke to him in regard to it, but I cannot say whether I did or not.

Q. Were you personally acquainted with all the commissioners of emigration at that time? A. I was not.

Q. Did you know Mr. Frear at that time, personally? A. I didn't know him then, and I don't know him now either personally or by sight; if he was in the room at that time I should not recognize him if he came in now.

Q. Can you now state from your recollection, or what your impression is, if you cannot give us any positive evidence, whether Mr. Nolan was employed by you before the commissioners of emigration passed a resolution requesting the legislature to reduce the head-money or after. A. Well, I really cannot answer that question correctly, because I don't know the date of that meeting.

Q. Suppose we give you the date of the meeting? A. That will refresh my memory.

Q. The 2d of February, 1871, the resolution was adopted? A. My impression would be, then, that the arrangement would be before that, because, certainly, if the commissioners of emigration passed a resolution to reduce the head-money, we should not have paid the money.

Q. You state that if you had known at the time of this arrangement with Mr. Nolan, that the commissioners of emigration passed this resolution requesting the legislature to reduce the head-money, you would never have entered into this arrangement? A. That is probable; I think I must have made the arrangement previous to that; I have no recollection of the time.

Q. You regard such an employment as exceedingly improbable, if you had known of the passage of this resolution by the commissioners of emigration? A. If I had supposed that the same object could have been effected without paying any money, of course we would not have paid any.

By the CHAIRMAN:

Q. Is it your best judgment that the arrangement was made with

Mr. Nolan prior to the passage of this resolution by the commissioners of emigration? A. That is my candid opinion, that it was made before; I can say no more than that.

By Mr. WAEHNER:

Q. Was this arrangement made in your office? A. There were several conversations in our office in regard to it; the arrangement was made by the signature of other parties outside of my office.

Q. Where had you your first conversation with Mr. Nolan in regard to it? A. I think my first conversation with Mr. Nolan was in my office.

Q. Had any person suggested, prior to that conversation, the employment of Mr. Nolan for this business? A. Only Mr. Nicholson, who had known him before.

By the CHAIRMAN:

Q. When did you first receive any knowledge or information of the passage of this resolution by the commissioners of emigration? A. I cannot give you any thing positive in regard to that, because I don't recollect it; it passed out of my mind entirely; I don't know that I ever had a copy of the resolution.

Q. Did you have any knowledge of the passage of this resolution at the time you made the first payment to Mr. Nolan? A. As to that I don't know; very probably I had, if I had agreed to pay Mr. Nolan before; very probably I had at that time.

Q. Your impression is it was the latter part of the year 1870 when the arrangement was made with Mr. Nolan? A. Judging from the time I made the first payment I should judge it was, but I cannot state.

Q. Can you state whether it was before the legislature assembled in 1871? A. I cannot.

By Mr. VOSBURGH:

Q. If you were not informed of the resolution by the commissioners of emigration, why did you consider it necessary, after they had passed a resolution, to reduce the head-money — why did you think it necessary to employ Mr. Nolan? A. I am speaking of impressions; I cannot give you positive dates; I am giving you the best of my recollection, now, gentlemen.

By the CHAIRMAN:

Q. Mr. Nolan testified on Saturday that he had some conversation with you, but no arrangement was agreed upon; that he went to Albany and succeeded in inducing the committee to report the bill

favorably to the house, and was there about five days, and then returned and had an interview with you, in which the arrangement then was concluded upon; now, is that true, or according to your recollection? A. That is not according to my recollection; according to my impression I have no recollection of dates.

By Mr. WAEHNER:

Q. Did Mr. Nolan, at any time, tell you what was done in pursuance of the furthering of the passage of that bill? A. I don't think I saw Mr. Nolan after the arrangement was signed, until I began to pay him money, when the tax had been reduced; I have no recollection of any interview or conversation with Mr. Nolan in the meantime.

Q Did you, at any time, state to any of the commissioners of emigration, either acting together or to any individual member of the commission, that in case the head-money should be reduced by the legislature you would make a corresponding reduction in the price of passage? A. Never; emphatically, never; it is not my province, and is not in my power to do it; I could not make such a promise.

Q. Or that you would use your influence with your company to procure them to reduce the passage? A. I never made such a statement.

Q. You have testified to something in relation to a second arrangement; was there any second arrangement made between you and Mr Nolan in relation to this same matter? A. There was no written agreement of any sort or description.

Q. Was there any thing orally? A. There was, I believe, but when it was made I cannot tell, as I stated before, or for what reason it was made I don't know now.

Q. Would there have been any reason for your making a second arrangement with Mr. Nolan unless a bill was pending before the legislature which would increase the head-money — would there have been any reason for your making any second arrangement with him, unless such would be the case? A. I don't recollect what the reason was now; I simply thought it was extended for a month or two, but for what reason, I cannot say.

Q. A month or two beyond the time it had been originally drawn for? A. Yes, sir; I didn't remember that until the testimony was brought to my knowledge.

Q. Four months you said? A. Very well, sir.

Q. According to your memorandum the last payment would have been made on the 28th of April, or thereabouts? A. Yes, sir.

Q. Have you any statement showing the manner in which the payments were made, whether they were continuous or not? A. Only that statement [producing memorandum]; that is a copy of a continuous statement I prepared.

Q. Have you got that statement? A. Yes, sir.

Q. Will you furnish it to the committee? A. Yes, I will in half an hour, if you want it; it was on my desk, and I took those figures from it, thinking those would be all you would require.

By the CHAIRMAN:

Q. Can you find that paper that contains the arrangement with Mr. Nolan? A. I will look for it; I don't think it is in our possession, but I will look amongst my papers for it.

By Mr. WAEHNER:

Q. Was this paper made out upon your entering into this arrangement with Mr. Nolan, or was it made after the legislature had been in session for some time? A. It was made when the first arrangement was made, and in my opinion before Mr. Nolan took any steps whatever.

Q. Did you know at that time who the counsel for the commissioners of emigration was? A. I did not; I had no knowledge of it at all.

Q. Do you know that Mr. Nolan, at any time, had had any connection with the commissioners of emigration acting for them as their counsel? A. I know it now; I did not know it at that time.

By the CHAIRMAN:

Q. Did you know that there was a bill introduced in 1870 to increase the head-money? A. Well, really, there have been so many bills introduced, I cannot place them all in mind — bills to reduce and bills to increase.

Q. This was in 1872; in 1871 it was reduced to $1.50; can you state whether you have any knowlege that a bill was introduced the very next year to increase it to $2? A. I don't remember; I know there was a bill in 1873, and one in 1874, and one this last session.

Q. The next year, 1872, have you any recollection of that? A. Not at the moment; I have not without refreshing my memory.

Q. Was there a separate and independent agreement made with Mr. Nolan that he was to have this 25 cents on each alien passenger for opposing the passage of the bill in 1872? A. There was no written agreement made, as I said before.

Q. Any agreement, written or verbal? A. I have stated already there was a verbal agreement, but what was the cause of it I don't know now.

Q. I see you kept paying Mr. Nolan until August, 1872; for what reason did you then quit? A. That must have been the termination of the agreement, I suppose; we paid him in any case as long as we agreed to pay him, and no longer.

Q. Williams & Guion say they stopped on the 19th of April? A. I don't know any thing about their affairs.

Q. The National Line refused to pay any thing after the 24th of July, but you, it seems, continued longer than that? A. So it appears; those are the dates we paid; I don't know when they paid theirs.

Q. Did you employ any person to go to Albany at the session of 1872, to oppose the passage of a law to increase the head-money? A. I have employed several people to go to Albany since that time; I have employed Mr. Wakeman, I think, twice; once certainly, and I think twice; yes, twice.

By Mr. ALVORD:

Q. That was last year and the year before? A. Yes, sir.

By the CHAIRMAN:

Q. In 1873, you seem to have a recollection? A. I have, because I was in Albany myself.

Q. Did you employ any person that session? A. Yes, sir.

Q. Who did you employ that session? A. Abraham Wakeman.

Q. Any other person? A. No one else.

Q. In 1874 did you employ any other person? A. I employed Abraham Wakeman then.

Q. And the last session, 1875, did you employ any person? A. I employed Daniel Casserly, a lawyer.

Q. Any person but Mr. Casserly? A. Nobody.

Q. The arrangement made with Mr. Wakeman or Mr. Casserly; was that contingent also, that in case of the defeat of the law he was to have a certain amount, and if the law was not defeated he was to have nothing? A. No, sir.

Q. You employed each of these persons in the capacity of counsel for the companies? A. Yes, sir.

Q. The amount of their fees in no wise depended upon their success? A. No, sir; excepting Mr. Casserly's; I think Mr. Casserly's did.

Q. Were these fees large or small? A. They didn't amount to $2,500, the Casserly's altogether, even the largest one; much less than that provided they had not been successful; I think $2,500 or $3,500, certainly within $5,000.

Q. Now Mr. Wakeman? A. Mr. Wakeman's was not a contingent fee.

Q. As to the amount of the fee. A. The fee Mr. Wakeman charged was $5,000; he had been in Albany a long time, and appeared before the committee, and he said that was a very small fee for his valuable

services; I went to Albany myself on two occasions, and with Mr. Wakeman appeared before the house.

By Mr. WAEHNER:

Q. In 1873 how much was subscribed by you, or by your company, for legislative purposes? A. I subscribed nothing for legislative purposes.

Q. As counsel fee to any persons? A. I subscribed nothing for legislative purposes.

Q. As counsel fee for any person that appeared before the legislature? A. What was my proportion of it?

Q. Yes. A. I cannot recollect now, but I suppose my proportion of it was between $1,000 and $1,500, possibly.

Q. Will you furnish to the committee an exact statement of the amounts which you paid in 1872, 1873, 1874 and 1875 as counsel fees? A. If the committee think that is within their province, I will, I have not the slightest objection to doing it, but I don't think, as it is a private matter entirely, the employment of counsel, that I should be called upon to state what I paid counsel.

Q. It is not like employing counsel in a private law suit? A. It is not like employing counsel to go before a committee in Albany to make an argument for me.

Q. No, we would like to have it? A. If the committee want it I will give it, but I don't think it is a fair thing to ask.

Q. Do I understand you to say you will furnish us with that statement? A. I will, if you think it a proper thing to ask from me.

The CHAIRMAN — I don't see any impropriety in it; it affects the public interest.

The WITNESS — I can scarcely see it, sir.

By the CHAIRMAN:

Q. What do you select counsel for to go before the legislature? A. To make an argument for me; it is a fact he made an argument for me, because it was published and a copy was sent to every member of the house.

Q. Don't you look at a man's political status when you employ him? A. I don't.

The CHAIRMAN — Then you had better do so hereafter; that has more to do with his success than any argument he could make.

The WITNESS — I am glad you gave me the hint; I will bear it in mind; I didn't know it before; when I employ a man, I employ him because he knows something of the subject.

The CHAIRMAN — That does very well before a law court, but it does not work well before committees of the legislature.

By Mr. WAEHNER:

Q. You used the word "proportion;" do you know any other companies that paid any thing in those years? A. Yes, sir; I believe most of the companies paid their proportion as a matter affecting them all.

Q. Will you state the names of any of the steamship companies that did not enter into the arrangement with you? A. I don't think any of the leading companies refused; some of the small ones did not; the Bremen and Hamburg, and White Star and Cunard — the leading companies have contributed their proportion.

Q. Can you state how much in all was raised in 1873 by all the companies? A. I cannot state it now, but you have asked me to give you the figures, which I will give you; I can furnish them.

Q. For all the companies that were concerned that year? A. No, I can only give my own impression of that; no, I cannot state it.

Q. Nor of the other years? A. I cannot; I can only state in regard to my own independent company.

The CHAIRMAN — If Mr. Wakeman appeared before the committee and made an argument, which was published and given to the legislature, there would not be one out of the 120 members that would read it, because they are surfeited with that kind of stuff, and three-fourths of the committee would go to sleep while he was talking.

The WITNESS — I am very sorry for it; they paid a great deal of attention to it, for I was present; they didn't separate until one o'clock in the morning; we had a long session; we were heard, and the commissioners of emigration were heard at the same time.

By Mr. ALVORD:

Q. Have you ever had occasion to employ counsel prior to 1870, in reference to legislative matters? A. Yes, sir.

Q. When? A. I think both in 1860 and 1869.

Q. Who did you employ? A. Develin, Miller & Trull.

Q. For what purpose did you employ them? A. For the same purpose I employed Mr. Nolan, to endeavor to get the head-money reduced; to work for that object.

Q. Was that employment an employment as counsel, or was it a contingent employment? A. It was an employment as counsel, with a contingent fee.

Q. On the same arrangement as with Mr. Nolan? A. Only for a larger amount.

Q. Was that in writing? A. It was in writing.

Q. Did you keep a copy of that agreement? A. I did not.

Q. The agreement in both cases, in both that case and in Mr.

Nolan's case, was a similar agreement, I think, by both parties? A. It was probably on a sheet of paper, and signed by Develin, Miller & Trull.

Q. And the same in the case of Mr. Nolan? A. Yes, sir; I don't think I have got either.

Q. It was simply contingent and no necessity for you to keep a copy? A. Yes, sir.

Q. So much of it as was paid to Develin, Miller & Trull was a counsel fee? A. I paid them no counsel fee; if they did nothing they were to get nothing; it was a contingent fee.

Q. I understand you both as counsel and also with a contingent fee? A. No, sir, as counsel with a contingent fee.

A. And you paid Develin, Miller & Trull nothing? A. Nothing, because they did nothing.

Q. Who drew the bill that passed in 1871? A. I don't know.

Q. Was it handed by you or any of the steamship companies to Mr. Nolan? A. Speaking for myself only, it was not handed by myself; I cannot speak about other steamship companies.

By Mr. WAEHNER:

Q. Have you any information in reference to that matter? A. No sir.

Q. Did Mr. Nolan at any time tell you that he had drawn the bill? A. He never told me to my recollection; I supposed he had.

By Mr. ALVORD:

Q. I understand you to say that if you had been aware at the time of your agreement with Mr. Nolan that so positive a resolution had been passed by the commissioners of emigration, in your judgment you would not have entered into the contract with him? A. That is natural enough, if I was certain the bill was going to pass.

Q. I don't ask you that; I ask you this question, and ask your best recollection in regard to it? A. I have no recollection in regard to it.

Q. According to your judgment, if you had been aware of the fact that a resolution, positive in its nature, had been passed by the commissioners of emigration, would you have entered into this arrangement with Mr. Nolan to have passed that bill through the legislature? A. That depended upon circumstances; a resolution of the commissioners of emigration does not pass the bill, and I don't know what I should do, or what I should do again in the matter.

By the CHAIRMAN:

Q. You don't fairly understand the question; when the commis-

sioners of emigration ask to increase the head-money, and the steamship companies oppose it, their resolution don't necessarily pass the bill; but suppose they pass a resolution asking a reduction and the steamship companies favor that, no one opposing it, does it not virtually pass it? A. No, sir; it does not follow that no one is opposing the bill.

The CHAIRMAN — If the steamship companies are in favor of it there can be no opposition to it if the commissioners of emigration are in accord with the steamship companies.

By Mr. ALVORD:

Q. You were perfectly well aware that the amount of compensation to this young man Nolan in the event of the passage of that bill would be an enormous compensation? A. Yes, sir.

Q. Largely in excess of any real service that he might perform, were you not? A. I don't know; I knew it would be large, but it would be worth that much money to us.

Q. You were looking at it simply as a commercial gentleman? A. Exactly.

Q. Were you not aware of the fact that, as far as it regarded his individual efforts, it was an immense sum? A. I was aware, of course, that it would be a very large sum.

Q. Did you, or did you not, have at that time an impression and an idea that it was necessary to pay that large sum for him to have means and appliances upon the legislature beyond simply the operation of his own intellectual ability? A. I did not and would not have countenanced such a thing in a legislator in any way whatever.

Q. Would you agree to pay any reputable counsel of the city and county of New York $60,000 for the purpose of the passage of any such bill? A. I didn't pay him $60,000.

Q You paid him your proportion of it? A. That is so.

Q. Would you agree to be a party in a set of gentlemen, who should pay a man of the ability of that man Nolan $60,000 to pass a bill through the legislature; would you do it with your eyes open? A. I appeal to the chairman whether that is a proper question to ask me.

The CHAIRMAN — That is the gist of the matter; the question is this: here is a young man with very little experience, and the question is whether you employed simply his services in the legislature or employed some one else's.

The WITNESS — I employed his services and agreed to pay him a certain sum; I cannot answer the question any further than that, or enter into any discussion of morality.

By Mr. ALVORD:

Q. I don't ask any question of morality; I ask simply, as a business

question, whether you think that, as a true business man, with a level business head, you would be justified in paying a man of Nolan's ability and age, any thing approaching $60,000, your portion of it, to get any such bill through the legislature? A. Yes, sir; if I was sure I was going to save $54,000 by it, I would pay $15,000 at any time.

Q. I mean to Mr. Nolan? A. I don't care who it is paid to.

Q. Now, I come back to the question in connection with the commercial question; why did you, with a strong business head, as you have got, as I know it, employ as small a man in caliber as that man Nolan to do this work for you, and not look for a greater and a larger man to do the business, and agree to pay him, in the event of success, any such sum as that? A. I decline to answer, as not pertinent to the inquiry.

Q. Don't you suppose you could have got the best business talent of the city of New York to have gone into a legitimate operation to carry this bill through the legislature at the same price you paid Nolan; the best business talent in the legal profession? A. I don't know, and I decline to answer any such question; I don't think it affects the matter at all in any way whatever; facts and figures, as far as I have them, I am perfectly willing to give them to the committee.

Q. I understand that; but I think we have a right to ask you your motive in giving to a man of the obscurity of Nolan so much money for the performance of such a work as he performed? A. I give you my motive, but you ask more than that.

Q. No; I ask you what induced you to employ Nolan? A. You asked me if I could not get some one to do it as cheap; I say I don't know, and never tried.

Q. You employed Mr. Nolan in 1870 to get a bill through the legislature in reference to this ticket swindling, didn't you? A. I have already stated that.

Q. Was that at your suggestion or at his that you employed him? A. It was not at mine individually at all; I had nothing whatever to do with it; it was done in my name; Mr. Nicholson being passenger agent, that matter came under his sole control.

Q. Did you seek Mr. Nolan? A. I cannot tell you how he was employed; he was employed to prosecute ticket swindlers; to get a bill put through to protect the emigrants from ticket swindlers.

Q. Mr. Nolan testified he was employed by you specially 1872 again for the purpose of defeating or attempting to reduce the head-money; have you any recollection about that? A. I have no distinct recollection of the matter at all; it may have been so.

Q. Do you recollect whether that was at his suggestion, or yours? A. I don't remember.

Q. He claims that you were the gentleman that spoke to him and

made the arrangements? A. Very possibly I may have, but I didn't go to him; I never went to his office certainly for the purpose; I never was in his office but once in my life.

Q. Did you employ Mr. Nolan in 1873 to get a bill passed, called the alien bill? A. I employed Mr. Nolan as far as this; my company had bought some wharf property here for its own use, and we thought it very desirable to be able to hold that property in the name of the owner, Wm. Inman of Liverpool, and I went to Mr. Nolan's office and I asked him if he could get the bill introduced and passed to enable Mr. Inman to hold property, in the same way that the bill was introduced a few years ago to allow the late Edward Cunard to hold property here.

Q. You employed him? A. I employed him, and the bill was introduced and thrown out of the committee; it never was passed.

Q. Do you recollect the amount of compensation you paid him in 1870 for the bill called the ticket swindling bill? A. I do not; I know nothing about it.

Q. Will you be able to give it to us from your books? A. Possibly Mr. Nicholson can.

Q. Will you not be able from your books, as general manager of the concern, to give us the amounts? A. Certainly.

Q. Do you remember the amount you paid him for his services in 1873? A. In reference to what business?

Q. In reference to the dock property. A. I don't know, I am sure, how much was paid; I will search; I find it was a very small sum.

Q. Was that contingent? A. It was not worth five cents to us — the whole thing.

Q. Was your employment of Mr. Nolan in 1873 contingent upon the passage of the bill, or was it a simple, casual employment? A. A simple, casual employment; I think so.

Q. For which you paid him? A. I suppose I paid him; I do not know.

Q. Will you endeavor to find out? A. I will endeavor to find out.

Q. In 1873 do you think you paid Mr. Wakeman, in addition to Mr. Nolan's employment on the dock property, as against the bill to increase the head-money which was introduced that year? A. I have already stated that I did.

Q. And you employed him again in 1874? A. I have already stated I did.

Q. Did you pay him $5,000 for the two years, or more? A. I have promised to produce the figures.

Q. Did you employ him in 1875? A. I did not; I have already stated that fact before the committee.

Q. Are you aware of the fact that he appeared before the committee

in 1875, upon the question of head-money? A. I heard a rumor to that effect; I was told so; I am not aware of it in any way; I was told that he appeared before the committee in 1875.

Q. Were you not his employer? A. I was not his employer.

Q. Do you know whether or not he was employed by any resolution passed by what is called your Steamship Transit Conference? A. When?

Q. In 1875? A. He was not; he was not employed at all; he could not be employed by resolution.

Q. Was he not employed by resolution in 1873 or 1874? A. No, sir.

Q. How was he employed? A. By mutual agreement; the conference as a conference had nothing whatever to do with those matters.

Q. Did you ever employ, or did the steamship company, in any capacity to your knowledge, employ Bernard Casserly? A. I never did; and the steamship companies, as far as I know, never did.

By Mr. WAEHNER:

Q. Have you any information, or have you heard any rumor? A. I have stated as far as I have knowledge.

By the CHAIRMAN:

Q. Did the steamship companies employ Daniel Casserly at the suggestion of Bernard Casserly? A. I think he was; I didn't know him before.

Q. But you did know Bernard Casserly as a former officer of the commission? A. Yes, sir; I knew him very well; he was not an officer of the commission.

Q. As a former officer? A. Yes, sir.

Q. You, with other agents of the steamship companies, in 1871, were exceedingly anxious to have this head-money reduced, I suppose? A. Certainly.

Q. Your acquaintance with Mr. Nolan was very slight at that time? A. At the time the arrangement was made my acquaintance with Mr. Nolan was very slight.

Q. And you saw he was a very young man? A. I never thought any thing about it.

Q. You saw at the time that you made the arrangement that he was quite a young man? A. Of course I saw it.

Q. Had you any knowledge of his experience or ability to influence legislative proceedings? A. None whatever; I didn't propose to influence it in any way; I proposed to have him work for me.

Q. A man cannot work in any employment unless he understands

it, can he? A. I didn't intend to pay him any thing unless he did something, so it was a perfectly safe arrangement on my part.

Q. But at the same time you wanted to employ an agent that in your judgment could bring about success, and thus save 75 cents on each passenger over what you paid him; you wanted to employ an agent to insure success, I suppose? A. Certainly.

Q. Had you any knowledge of what acquaintance Nolan had with people of the state, or with members of the legislature? A. None whatever.

Q. Then, did you, as a matter of judgment, deem it prudent to enter into the arrangement which you did with a man of his youth, and, as far as you know, of total inexperience to bring about so desirable an object? A. Of course I thought it was right, because I did it; I didn't know whether he was or was not from my knowledge; he professed to have.

Q. He professed to have the ability? A. To have influence and ability; of my own knowledge; I don't know.

Q. He professed to have certain influences he could bring to bear to pass the bill? A. I don't know whether he made any positive assertion to that effect, but that was the general impression, of course.

Q. Did he intimate in any way to you what the nature of those influences was? A. No, sir, he did not, and I did not inquire.

Q. It was sufficient for your purpose that he made an impression upon your mind that he could bring a combination of circumstances and influences to bear to pass the bill? A. Looking at it in this light, that I paid nothing if no work was done, if the object was not accomplished, I did not care who did it.

Q. But at the same time you must keep in your mind your anxiety? A. I had no anxiety whatever; it was desirable, of course, to do away with as much expense as we could; I had no particular anxiety about it if it was not done; it is always my desire to do the best I can for people that employ me, to save money for them.

Q. At the same time you would not have employed Mr. Nolan unless you had been assured in some way that there was a probability of success? A. I must have had that impression that he could possibly do something:

By Mr. ALVORD:

Q. Would you have employed a perfect stranger who came before you and asserted, upon his responsibility, that he could or could not do this thing; would you have even given him a contingent employment? A. Yes, sir.

Q. You think you would? A. Yes, sir.

Q. It was a desirable thing for you to perform to get this reduction of head-money? ' A. Of course.

Q. And you were simply in the market waiting for anybody who said he could do it? A. Exactly so.

'Q. And this man Nolan appeared to you, and you took him up? A. Exactly so.

Mr. ALVORD — I wish you would let me know of such chances in the future.

The WITNESS — I will if you come forward.

By Mr. VOSBURGH:

Q. Did any person communicate to you that Mr. Nolan could accomplish what he was seeking? A. I never had a conversation with anybody about Mr. Nolan at all; in fact my personal introduction was through Mr. Nicholson, who had known him before.

Q. Did you receive any communication from any one before? A. I did not; I have stated that about half a dozen times before the committee.

By Mr. ALVORD:

Q. I ask you whether or no you heard from any human being that there was a power in that man Nolan with the legislature which would be a benefit to you in his employment and occupation for you? A. I repeat that for the sixth or seventh time, that I heard nothing of the sort from anybody.

Q. Would you have employed a stevedore in the street as quick as you would Mr. Nolan? A. I decline to answer that question as an improper one.

Samuel G. Nicholson, called and sworn.

By Mr. WAEHNER:

Q. What is your business? A. Passenger agent of the Inman line.

Q. How long have you acted in that capacity? A. I have acted in that capacity for 15 years.

Q. Are you acquainted with a person by the name of Michael Nolan? A. Yes sir.

Q. When did you form his acquaintance? A. A good many years ago; I think about 1868.

Q. In what manner did you become acquainted with him? A. I met him in some way connected with the prosecuting of swindling passengers returning to Europe.

Q. Had he been engaged in prosecuting those prior to 1870? A. Yes, sir.

Q. Did you meet him as prosecuting attorney of the commissioners of emigration? A. I think I did.

Q. And then formed his acquaintance? A. I think so.

Q. Do you recollect whether you were at any time specifically introduced to him by any person? A. I cannot recollect how I became acquainted with him, but I know it was in connection with this, for we took a great deal of interest in it, and any one that joined in to prove those swindles of course we naturally would be brought together.

Q. Did you know at that time he was connected in business with General Jones, who was counsel for this commission? A. No, sir.

Q. Did you regard him as the counsel for this commission? A. I really don't know; he was in some way connected with it; I don't know; I forget.

Q. Did you ever come in contact with General Jones during that time? A. No, sir; I don't think I did.

Q. Did you consult with him or advise with him in relation to this prosecution of ticket swindlers? A. I believe not.

Q. When you met Mr. Nolan, where did you usually meet him; at his office? A. It is so long ago I really forget; it must have been at his office.

Q. Who usually prosecuted those parties, and in whose name were they prosecuted; did it come through the commissioners of emigration, or through the steamship companies? A. No, sir; when a swindle occurred on board of our line, or a passenger that was going by our line, we prosecuted them ourselves, individually.

Q. Did you at any time retain Mr. Nolan as your counsel to prosecute any of those cases? A. I am not quite sure about that.

Q. Could you not, by reference to any book or memorandum, ascertain whether you paid Mr. Nolan any sums to prosecute these cases? A. Yes, sir; I believe I can.

Q. Will you be kind enough to refresh your recollection in that respect, and let the committee know by to-morrow? A. Yes, sir.

Q. Did you introduce Mr. Nolan to Mr. Dale? A. Yes, sir; I believe I did.

Q. When was it that you introduced Mr. Nolan to Mr. Dale? A. It was some time before this movement was on foot to reduce the head-money.

Q. Was it in the year 1870? A. It was, probably, in 1869 or 1870.

Q. It was in 1869? A. It might have been 1869.

Q. Do you know, or were you present at the arrangement made between Mr. Dale and Mr. Nolan in relation to this matter of legislation in 1871? A. I cannot recollect; I may have been.

Q. Had you any knowledge or information of any contemplated action on the part of the legislature, or to be taken by the legislature,

in the years 1870 and 1871? A. I knew of the agreement — at least knew that Mr. Nolan was employed, but I didn't know that the legislature contemplated any action with regard to it.

Q. Do you know what time Mr. Nolan was employed by Mr. Dale, or employed in the interest of the steamship companies? A. I do not; it was about that time.

Q. About what time? A. About the early part of the year 1870.

Q. The bill was passed in 1871? A. Well, sir, it was some time before that, I really forget the date.

Q. It was before the meeting of the legislature in 1871, when Mr. Nolan was employed? A. Oh, yes, sir.

Q. You are quite certain of that, are you? A. At least I think so.

Q. Did you have any conversation personally with Mr. Nolan in relation to that employment? A. Yes, sir, I had.

Q. Will you state what that conversation was? A. We had a good deal of talk about the former increase of head-money, and we made various efforts to have it reduced and we were unsuccessful; the year before, as Mr. Dale stated, we employed Develin, Miller & Trull for the same object, and we were unsuccessful, and Mr. Nolan seemed — he was aware of this agreement, I think.

Q. He was aware of the agreement that you had made with Develin, Miller & Trull? A. Yes, sir, I think he was, because he mentioned it, if I remember rightly, and he said to me that he thought he could do as well, or better; he had been very successful for us in the affair we employed him in, the bill he got through at Albany, and we had various conversations about it, and I introduced him to Mr. Dale, and the arrangement was made with him; after I was introduced to him, or when it came up before the steamship companies, it was placed in the hands of a committee, and I had nothing further to do with it.

Q. This matter was placed in the hands of a committee by the steamship companies? A. Yes, sir.

Q. Was there any meeting of the steamship companies at which this committee was appointed? A. I think there was an informal meeting, when some of the agents were present.

Q. Where was that meeting held? A. I don't think it was called for that purpose.

Q. I am only asking you where that meeting was held? A. I cannot tell where it was held, but I believe the conversation came up after a meeting of the conference.

Q. After a meeting of the steamship conference? A. Yes, sir.

Q. Then this matter was informally broached? A. Yes, sir.

Q. You were not present at that meeting? A. I think I was.

Q. Did you, at that time, make any suggestion, as to the employ-

ment of Mr. Nolan, to any of the gentlemen? A. I may have mentioned his name to some of the others; I cannot tell.

Q. Was anybody's name mentioned at that conference, or at that informal meeting, as being a proper person to represent the steamship interests? A. I cannot remember about it.

Q. Was any thing said about the official relationship of any person to this board making him a proper person, or who had previously been connected with the board as being a proper person to act in the interest of the steamship companies? A. No, sir; I cannot tell.

Q. Have you any impression upon the subject as to whether any suggestion as that was made by yourself, or any other person, at this informal meeting? A. No, sir; I don't think it was mentioned that he had any connection with any one belonging to this board.

Q. And in the course of conversation, when you suggested him, if you did at all, to gentlemen individually, you simply based your suggestion upon the successful manner in which he had passed the bill in the legislature of 1870? A. Entirely so; we employed him in that respect; it was about the only legislation we were ever able to get through at Albany; I saw at the time that he was a very active fellow.

Q. In the course of your transactions with him in the years 1870 and 1871, did Mr. Nolan at any time say, or intimate, that he had influence in the legislature, or had influence with parties outside of the legislature who aided or assisted him, or who would aid him in the passage of this bill providing for the reduction of head-money? A. No, sir.

Q. After the passage of this act, in 1870, of course it was not prior to 1870, that you had any conversation with Mr. Nolan in relation to the reduction of head-money, was it? A. I had conversations with a great many people about it; we had made several endeavors to get it reduced, and we were always unsuccessful, and I may have spoken to him earlier than that; I used to talk to him quite often, and we may have had conversation with him; I cannot tell.

Q. Did he seem to be favorably disposed toward a reduction of the head-money at the time you had this conversation with him? A. I think he said it was a great mistake that it had ever been raised; he considered it was a great mistake.

Q. And I suppose you met him when engaged in the prosecution of those ticket swindlers? A. Yes, sir.

Q. After the passage of the bill of 1870, providing for the punishment of the ticket swindlers, how long was it between that time and the time that the agreement was made between Mr. Dale and himself, or the time that you introduced Mr. Dale to Mr. Nolan at which this agreement was made? A. I cannot tell.

Q. Was that arrangement made, do you think, in the spring of 1870,

or in the fall of 1870, or in the summer of 1870? A. It must have been, I think, early in the year 1870; what time was the bill passed?

Q. I am now referring to the bill punishing those ticket swindlers; that was passed in 1870; now, I ask you how long was it after the passage of that bill that you introduced Mr. Nolan to Mr. Dale? A. I cannot tell.

Q. Was it after the passage of that bill that Mr. Dale had made the acquaintance of Mr. Nolan, or was it before? A. It was after.

Q. Can you not fix, by reference to any memorandum or document in your office, the time of the making of this arrangement between Mr. Dale and Mr. Nolan? A. No, sir; we have got no record of it.

By the CHAIRMAN:

Q. How long was it before the legislature of 1871 met? A. I cannot tell you.

By Mr. WAEHNER:

Q. Was it in the fall of 1870, do you think? A. I have no idea, and we have got no document in our possession, whatever, to guide us.

Q. You recollect the circumstance very well of Mr. Nolan calling at your office, and you then introducing him to Mr. Dale? A. Yes, sir; I think so.

Q. Was it in pursuance of any arrangement that you made with Mr. Nolan beforehand for him to call at your office that he did call at that time and was introduced to Mr. Dale, or how was it that he happened to come there? A. We had conversations on the subject before.

Q. Did you ask him to come to your office to be introduced to Mr. Dale? A. I think I suggested to him to call upon Mr. Dale.

Q. Had any prosecutions under this act of 1870 taken place, prior to the time that you introduced him to Mr. Dale? A. I don't know that these prosecutions were made under that act; of course we could obtain punishment through the act then in existence; I don't know that the prosecutions were made under that act.

Q. This act of 1870 made the law more stringent? A. Yes, sir.

Q. And filled up a loop-hole through which some of those ticket swindlers had escaped? A. Yes, sir.

Q. Had any prosecutions taken place under the amended act, at the time you first introduced Mr. Nolan to Mr. Dale? A. That I cannot tell; I can find out when these prosecutions occurred.

Q. Will you be kind enough to find out, and, perhaps, by reference to those, you will be enabled to refresh your memory as to the matter? A. Yes, sir; I have known Mr. Nolan a good many years; I have met him at lunch.

Q. Did you ever have any other transactions with Mr. Nolan, except

those you have detailed to the committee yourself, personally? A. No, sir.

Q. Or in behalf of the steamship company which you represented? A. Not except what has been testified to by Mr. Dale.

Q. Do you know what the nature of this transaction was, that was made between Mr. Dale and Mr. Nolan? A. Yes, sir; I knew what it was.

Q. Will you state to the committee what the transaction was, for how long it was to last, and what the terms of it were? A. The time, I think, was for six months, and the terms were 25 cents if he got a dollar off, and 12½ or 10 cents if he got 50 cents off.

By Mr. ALVORD:

Q. In other words, it was one-fourth of whatever he got off? A. Yes, sir; I may say, in connection with this, that we didn't expect to get a dollar off; we didn't expect we would get more than 25 cents off, so Mr. Nolan got a much larger sum than he expected.

By Mr. WAEHNER:

Q. You state that this arrangement was only to last for six months? A. Yes, sir.

Q. Are you certain about that? A. I am not certain about it; I didn't make the arrangement; I was not on the committee.

Q. You heard Mr. Dale testify that the arrangement was either for a year or fifteen months? A. Yes, sir.

Q. Do you think he would be more apt to be right in relation to this than yourself? A. It is only a question of memory between us; that is my impression; he made the arrangement, and he ought to know better.

Q. In 1870 you know, I suppose, of a bill having been presented to the legislature to increase head-money? A. Yes, sir.

Q. Do you know of any arrangement being made at that time with Mr. Nolan? A. I think that his agreement was extended at that time.

Q. That is to say, a new arrangement was entered into upon the same basis as the old one? A. Yes, sir.

Q. If he succeeded in securing a defeat of the bill? A. Yes, sir; provided that bill was not passed.

Q. And from what time was that arrangement to date? A. I don't know.

Q. Was it to date from the close of the legislature, or from the defeat of that specific bill? A. I don't know.

Q. Can you state how long that arrangement was to last? A. I cannot.

Q. Do you know of any person who would be likely to have the information positively as to how long that arrangement was to last? A. If Mr. Dale does not know I am sure I don't know; I didn't make the arrangement; if he does not remember I am sure I cannot remember.

Q. I think you have testified you did not know what relationship Gen. Jones sustained toward this commission? A. I knew at the time that the head-money was increased; I was in Albany and I met him there; I knew he was counsel for the commission, for I saw him advocating the increase.

Q. You saw Gen. Jones in Albany advocating the increase of head-money? A. Yes, sir.

Q. In 1870? A. I don't know when it was.

Q. In 1869 I guess it was. A. I think it was in existence at least for two years, because we had Develin, Miller & Trull two years employed, and they did nothing.

Q. You didn't know that Mr. Nolan was connected with Mr. Jones in any way at all, did you? A. No, sir; I only knew Mr. Jones as postmaster; I may have met him before; I met him, of course, in Albany, but I don't know that I spoke to him, but I met him first as postmaster; we, of course, were carrying the United States mails, and when he had the appointment of postmaster I went to call upon him.

Q. Did you have any conversation at any time with Gen. Jones in relation to the increase or decrease of head-money? A. Yes, sir.

Q. When was that? A. It was after the head-money was increased.

Q. And what did he say in that conversation; did he say he was personally in favor of it, or how? A. No, sir; he said he was personally opposed to it; I made the remark that I thought it was very impolitic; that the money was not wanted, and he said he quite agreed with me.

Q. Did he express any other ground than that, except that the money was not at that time needed by the commissioners of emigration—did he give any reason for his opposition? A. He said, on general principles, he thought it was bad, because the tendency of all competing ports, such as Boston, was that they were going for the trade, and they were going by the way of Montreal, and all that.

Q. Can you state whether that conversation was had after the passage of that bill, or during the time the bill was pending before the legislature and the time you saw him at Albany? A. I think it was after his appointment as postmaster, whatever that time was.

Q. After his appointment as postmaster? A. Yes, sir.

Q. Can you state the time he was appointed as postmaster? A. I cannot.

Q. And he didn't tell you this in Albany when you were there, in 1868? A. Oh, no, sir; I don't know that I spoke to him then; I saw him in the committee, and may have been introduced to him, but I cannot say.

Q. But you are quite certain this conversation was had with Gen. Jones after he was made postmaster? A. Yes, sir.

Q. Did Gen. Jones, in that conversation, ask what your company, or the steamship interest, was about to do in relation to it? A. No, sir.

Q. Did you suggest to him that you were going to take measures to procure the reduction of it? A. No, sir; the conversation was very general about it.

Q. How did it come to pass that he expressed his own private opinion; did he, after the expression of his opinion that it was impolitic and unwise to increase head-money at any time — did the conversation break off at that point, or did you suggest that your company, or the steamship companies, in all probability would take proper steps to secure the reduction? A. No, sir; I cannot recollect what the conversation was, further than that it was a general one, and he expressed himself to the effect that he, personally, thought it was impolitic to have such a high tax as $2.50.

Q. Didn't he tell you that if you took proper steps at Albany you could in all probability procure the reduction of it? A. No, sir; he didn't say any thing about it; it was very generally known that we employed people there every year.

Q. He was aware of the fact that you had employed other counsel before? A. I think he was; I don't know.

Q. Didn't he, after the expression of his own private opinion, make any suggestion or intimate that Mr. Nolan would be a proper party, you having had business transactions with him before? A. I knew Mr. Nolan before I knew any thing about Gen. Jones.

Q. Did Gen. Jones know of your relationship with Mr. Nolan? A. I don't know.

Q. Have you any reason to believe that he did? A. I suppose he did; I don't know.

Q. And at that time it was the time of the prosecution of those cases, and he was then attorney and counsel of the board; Mr. Nolan, according to his testimony, was his subordinate as the counsel of these commissioners? A. I never met Mr. Jones in that office.

Q. You only met Mr. Nolan? A. I only met Mr. Nolan.

Q. In 1868, when the head-money was increased, had you any

acquaintanceship with Mr. Nolan at that time? A. I don't think I had.

Q. Did I understand you to say that you had been to Mr. Nolan's at different times during the prosecution of these cases? A. I think so, or he was at our office; I have forgotten which.

Q. Did you ever receive any business card from Mr. Nolan? A. No, sir.

Q. Where was his office located? A. I forget; he has moved it three or four times.

Q. Don't you recollect that on going to Mr. Nolan's office you saw the name of Jones upon the door? A. Yes, sir; I recollect that.

Q. Then you must have known that you saw the firm name there? A. Yes, sir.

Q. Was the name printed "Jones & Nolan?" A. I don't know; I believe the name of the firm has been changed two or three times.

Q. Do you remember at any time noticing the name of Jones upon the door or upon any card? A. I saw the name of Jones upon the bill.

Q. Mr. Nolan was on it also? A. Yes, sir.

Q. Was not Mr. Nolan's name and Gen. Jones' name together in the form of a partnership? A. Yes, sir.

Q. In 1871 did you personally go to Albany? A. No, sir.

Q. In 1872, 1873, 1874 or 1875, either of those years? A. In all these transactions the work was done by a committee, and I never was on any of the committees.

Q. That work was done by a committee appointed by whom, and how? A. Well, an informal committee.

Q. Do you know any thing of Mr. Kirke? A. Yes, sir.

Q. Do you know whether he took this paper around to any of the different steamship companies, and procured their signatures? A. Well, I didn't know it until it was stated so to-day; I didn't know personally.

Q. Did you yourself have any conversation with any of the agents of the steamship companies with relation to their arrangement made through Mr. Nolan and Mr. Dale in behalf of the steamship companies? A. I don't think I had.

Q. Do you know any thing of the employment of any counsel during the years 1872, 1873, 1874 or 1875, in the interest of the steamship companies? A. Not except I heard it mentioned; but, as I said before, I never was on the committee; I had no direct connection with any appointment of any kind.

Richard J. Cortis, called and sworn:

By Mr. WAEHNER:

Q. What is your business? A. Agent in this country of the White Star line.

Q. How long have you acted in that capacity? A. From the 1st of January last year.

Q. Prior to that, what business had you in connection with the White Star line? A. For the previous six months I was the passenger manager.

Q. Did you, at any time, attend any of the meetings of the North American Steamship Traffic Conference? A. I did, yes, sir.

Q. Were you present at the meeting of that conference in 1870 and 1871? A. I was not a member of the firm then; I was in the White Star line, and was connected with it for two years, from the 1st of July, 1873.

Q. Did you, in any capacity, represent that company at this conference in 1870 or 1871? A. I was not connected with it.

Q. Or attended the meetings? A. I attended the meetings, but I was then a member of the firm of Williams & Guion.

Q. Do you know anybody by the name of Michael Nolan? A. I don't know him; I have heard his name mentioned.

Q. Did you ever see him personally? A. No, sir.

Q. Were you ever introduced to him? A. Not that I recollect.

Q. Were you aware of his being engaged in the interest of the steamship companies in 1870 or 1871? A. Merely by report.

Q. What was the nature of the report you had upon that subject — what information did you have? A. My impression is, I understood he was engaged as counsel to go to Albany.

Q. Were you present at this informal meeting to which Mr. Nicholson has just made an allusion? A. No, sir; I was not; understand, my office, although a member of the firm of Williams & Co., was a subordinate office; I managed their passenger business, and did not attend the meetings very frequently; I simply attended the passengers' meetings; I have no knowledge of what took place at the general meetings.

Q. I am talking of the meeting at which counsel was selected to appoint counsel to go to Albany. A. I never was present at any such meeting.

Q. Did you know of any such meeting being held in the year 1870? A. No, sir.

Q. Or have you heard that any such meeting was held, except from the affidavit of Nolan & Co.? A. I cannot recollect; I know at the time of these rumors that Mr. Nolan was appointed to go to Albany

Q. When did you, after the first time, hear that rumor? A. I cannot say.

Q. Was it prior to 1871? A. I cannot say; it was a matter that didn't interest me, and I paid no attention to it.

Q. Did you at any time state, at any of the meetings of this conference, that Mr. Nolan had been retained as counsel, or that Mr. Bernard Casserly had been retained as counsel; or that Daniel Casserly had been retained as counsel by the steamship companies, and should be paid? A. I state distinctly that I had no definite seat at any conference meeting until the 1st of January, 1874, and therefore state that I could not have been there; I would not be allowed to be present.

Q. After the 1st of January did you make any such statement as that at any of the meetings of the conference? A. I did not, for I never heard of a person of the name of Casserly.

Q. I didn't say reduction; I said Casserly. A. No, sir; I know Daniel Casserly was employed as counsel in 1875.

Q. Was Bernard Casserly at that time retained in the interest of the steamship companies? A. Not to my knowledge.

Q. To your information? A. No, sir; I never heard of him; all I know about was Daniel Casserly.

Q. Do you know how it came to pass that Daniel Casserly was employed? A. Yes, sir; in 1875 to go to Albany to defeat an intended raise of the head-money.

Q. Do you know at whose suggestion he was employed, and by whom he was employed? A. I could not say by whose suggestion.

Q. Was he employed by any committee of the steamship companies? A. Yes, sir.

Q. Who was on that committee? A. I could not say really; I know Mr. Dale was one; who the others were I could not say.

Q. Was there any representative on that committee of the Cunard line? A. It was either Mr. Hurst, or Mr. Frank, or Mr. Schwab, that were on that committee along with Mr. Dale.

Q. And you appointed Mr. Casserly as counsel for the steamship companies; who was the managing agent, and who was the person authorized to represent the White Star line in 1871? A. Mr. Sparkes.

Q. Is he in this country? A. He is in Colorado.

Q. Are the books of the company kept in 1871 now in your possession? A. Yes, sir.

Q. Are the checks given by your company in 1871 in your possession? A. The documents of the company, as far as I know, are supposed to be in the office, but whether those particular checks are there I could not say.

Q. Will you look over the checks in your office of moneys paid, or

purporting upon their face to have been paid to Mr. Nolan during 1871 and 1872? A. I will.

Q. And place them before the committee? A. Yes, sir.

By Mr. ALVORD:

Q. Have you got them with you? A. No, sir.

Q. Have you not the aggregate of what you paid to Michael Nolan? A. I was not connected with the companies, and knew nothing about them.

By Mr. WAEHNER:

Q. I suppose you read this investigation in the papers? A. Yes, sir.

Q. You cannot state from an examination of the books, because you have not made any, what amount was paid to Mr. Nolan during that time. A. I asked my book-keeper this morning if he had any thing to say to me and he said he was not aware of any thing having been paid; I didn't go into terms with him, but as a general statement he stated to me that he didn't know of any thing being paid.

Q. Will you make an examination of the books and furnish the different items, and also produce what checks, if any, there are in your possession, to show the amount as having been paid? A. Yes, sir.

On motion, the committee adjourned to meet at Castle Garden on July 28, 1875, at 10:30 A. M.

July 28, 1875.

The committee met pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman, and Messrs. Alvord, Gedney, Vosburgh and Waehner.

Thomas S. Sanford called and sworn.

By Mr. WAEHNER:

Q. What is your business? A. I am secretary of the North Atlantic Steamship Traffic Conference.

Q. How long have you acted in that capacity? A. Since May, 1869.

Q. You have attended, I suppose, the meetings of that conference since that time? A. Yes, sir; I have always been present at their meetings.

Q. And you have the minutes of that conference in your possession? A. I have them in my custody; I don't know that I should say I have them in my possession.

Q. In 1869 were any proceedings taken in that conference in relation to the employment of counsel, to secure the reduction of head-money by the legislature? A. No, sir.

Q. In 1870, was there any action taken by that conference in relation to that matter? A. No, sir.

Q. In 1871? A. No, sir.

Q. In 1872? A. No, sir.

Q. In 1873? A. No, sir.

Q. In 1874? A. No, sir.

Q. Or this year? A. No, sir.

Q. Were you present at any of the informal meetings of the members of that conference, not acting as a conference, whereat any action was taken in relation to the reduction of head-money, or whether any thing was said in regard to the employment of counsel to procure the reduction of head-money at Albany? A. No, sir.

Q. Do you know of any such informal meeting being held for that purpose; of any of the members of the steamship companies in this city or any of their agents? A. No such meeting was ever held to my knowledge.

Q. Were you ever informed that any such meeting was held? A. No, sir; otherwise I should have known it.

Q. Do you know a Mr. Michael Nolan? A. No, sir.

Q. Did you ever come in contact with him in any way at all? A. I never seen him to my knowledge.

Q. In the year 1870, did you know of any arrangement having been made by Mr. Dale, or hear of any arrangement being made by Mr. Dale, together with other steamship companies in this city, to employ Mr. Nolan as counsel? A. No, sir; I don't think I ever knew of any such arrangement until the matter was made public about a year ago, I think; I don't remember the exact date of it being made public, but I think it was a year ago my first knowledge of it.

Q. One of the witnesses has testified that you took a certain paper to the several steamship companies, and had their agents sign it, which paper purported to employ Mr. Nolan as counsel in behalf of the steamship companies at a certain *per capita* in consideration for his services in procuring a reduction of head-money; do you know of any such transaction as that? A. No, sir; I never took any such paper; never had any connection whatever with the arrangements with Mr. Nolan.

Q. I do not ask you whether you had the arrangement with Mr. Nolan; I am asking you whether you took this paper to the steamship companies? A. I say I never had any connection with the arrangement; I did not take that paper.

Q. Were you ever informed that such a paper had been made with or by any of the other agents with Mr. Nolan? A. No, sir; I had no

knowledge of it until, as I said before, about a year ago; I am not positive about the date when I first heard of it.

Q. Under what circumstances did you first hear of it? A. It was at the time it was made public; I think at the last examination.

By the CHAIRMAN:

Q. That is over three years ago? A. I may be mistaken as to the date; I had no knowledge of it except as a matter of public rumor.

By Mr. WAEHNER:

Q. Did you ever have any conversation with Mr. Dale or with Mr. Williams in relation to the reduction of head-money? A. No, sir.

Q. Are you acquainted with Mr. Schwab, of the Hamburg or Bremen line? A. Yes, sir, I am acquainted with him.

Q. Did you have any conversation with him in relation to it? A. No, sir.

Q. One of the witnesses positively testified before this committee, and for that reason we called you as a witness? A. The witness must be mistaken.

Q. I think it was Mr. Williams testified to it? A. He must have been under some mistake.

Q. That you had taken a certain paper to the several offices of the steamship companies, to obtain their signatures, and for that reason you were subpœnaed? A. If I may say a few words, not under examination and not to be incorporated as part of the proceedings, I would like to do so.

[The committee gave the witness permission to make the statement which he desired, which he did.]

Q. Do you know Abraham Wakeman? A. I have known Mr. Wakeman; yes, sir.

Q. Do you know whether he at any time was retained in the interests of the steamship companies? A. In 1874 he was employed to protect the interests of the steamship companies at Albany.

Q. Do you know who effected that employment, and what was done? A. No, sir.

Q. Do you know whether he was appointed in pursuance of the appointment of the committee by the several steamship companies? A. I cannot answer that question with certainty; I have not any special knowledge.

Q. Were you informed that he was employed in that way? A. I believe he was; that is my impression.

Q. Have you heard that Bernard Casserly was employed in any

capacity? A. I do not understand, and never have understood, that Bernard Casserly was employed by the steamship companies.

Q. Have you understood that Daniel Casserly was? A. Yes, sir.

Q. Have you any thing you can communicate in relation to his employment? A. I cannot say; I have simply impressions on the subject.

Q. Give your impressions whatever they are? A. Nothing further than as I have stated, that he was employed.

Q. Do you know who employed him, or have you heard who employed him? A. I think Mr. Casserly was employed by the agents generally.

Q. Do you know what time he was employed — what year? A. I think he was employed first in 1874, with Mr. Wakeman.

Q. Was there any action taken at any one of the meetings of this conference whereat it was mutually agreed that an assessment should be laid for any purpose connected with legislation? A. No, sir.

Q. Do you know whether Mr. Casserly was employed in this year, 1875? A. I believe that he was.

Q. Will you state what the nature of that employment was? A. I understand that he was employed by the steamship companies as their counsel, to protect their interests at Albany.

Q. Do you know, or have you been informed, as to how much he received for that service? A. I believe that he was to receive a fee of something like $5,000.

Q. Was Mr. Wakeman also employed this year? A. Not to my knowledge.

Q. Did you at any time go to Albany with any of the committees of the steamship conference? A. No, sir.

Q. Or any committee appointed by mutual consent; did you at any time go to Albany yourself, in the interests of the steamship companies? A. I will state that I went to Albany in 1868, when I was secretary of the Shipowners' Association; I have never been there in the interests of the steamship companies — that was to oppose some pilotage law.

Q. You have not been there since? A. No, sir.

Q. While you were secretary of this conference did you ever come in contact with Bernard Casserly? A. Yes, sir.

Q. Did you ever have any conversation with him, and ascertain what his views were in relation to the head-money—whether it should be reduced or increased? A. No, sir; nothing special.

[The statement produced by Mr. Dale, agent of the Inman line, was marked "Exhibit No. 1, July 28, 1875 — W. F. B." of which the following is a copy:]

Payments to Michael Nolan by Liverpool and Great Western Steam Company:

1871.	Steamships.			
Apr. 28,	Minnesota,	746	aliens	$186 50
May 6,	Manhattan,	778	"	194 50
6,	Idaho,	789	"	197 25
6,	Colorado,	997	"	249 25
10,	Wisconsin,	1,129	"	282 25
18,	Nevada,	817	"	204 25
23,	Wyoming,	1,002	"	250 50
29,	Nebraska,	497	"	124 25
June 12,	Manhattan,	282	"	70 50
12,	Idaho,	581	"	145 25
14,	Colorado,	576	"	144 00
16,	Minnesota,	780	"	195 00
21,	Wisconsin,	478	"	119 50
28,	Nevada,	492	"	123 00
July 5,	Wyoming	729	"	182 25
19,	Idaho,	387	"	96 75
19,	Minnesota,	925	"	231 25
27,	Colorado,	453	"	113 25
Aug. 1,	Wisconsin,	388	"	97 00
8,	Nevada,	511	"	127 75
16,	Wyoming,	459	"	114 75
23,	Minnesota,	414	"	103 50
30,	Idaho,	489	"	122 25
Sept. 6,	Manhattan,	92	"	23 00
9,	Colorado,	493	"	123 25
12,	Wisconsin,	480	"	120 00
Sept. 26,	Nevada,	565	"	141 25
26,	Wyoming,	524	"	131 00
Oct. 3,	Minnesota,	510	"	127 50
18,	Idaho,	492	"	123 00
18,	Manhattan,	78	"	19 50
19,	Colorado,	457	"	114 25
28,	Wisconsin,	426	"	106 50
Nov. 3,	Nevada,	761	"	190 25
10,	Wyoming,	438	"	109 50
15,	Minnesota,	435	"	108 75
27,	Idaho,	334	"	83 50
25,	Manhattan,	55	"	13 75
Dec. 1,	Colorado,	259	"	64 75

1871.	Steamships.			
11,	Wisconsin,	280	aliens	$70 00
16,	Nevada,	152	"	38 00
21,	Wyoming,	203	"	50 75
1872.				
Jan. 16,	Idaho,	53	"	13 25
16,	Colorado,	126	"	31 50
17,	Minnesota,	149	"	37 25
20,	Wisconsin,	48	"	12 00
27,	Nevada,	111	"	27 75
Feb. 8,	Wyoming,	67	"	16 75
12,	Minnesota,	88	"	22 00
20,	Idaho,	57	"	14 25
Mar. 1,	Wisconsin,	405	"	101 25
9,	Nevada,	245	"	61 25
15,	Wyoming,	194	"	48 50
26,	Minnesota,	294	"	73 50
29,	Idaho,	441	"	110 25
April 8,	Manhatan,	650	"	162 50
11,	Wisconsin,	738	"	184 50
19,	Nevada,	832	"	208 00
		26, 231		$6, 557 75

E. E. New York, 24th July, 1875 Agents.

[The statement produced by Mr. Hurst, agent of the National line, was marked "Exhibit No. 2, July 28, 1875, W. F. B.," of which the following is a copy:]

Date of arrival.	Ship.	Number of aliens.
1871.		
April 17.	Virginia	560
18.	Italy	1,057
26.	Helvetia	244
27.	England	857
May 5.	France	1,224
5.	Holland	490
13.	The Queen	1,210
13.	Erin	284
19.	Denmark	1,075
23.	Pennsylvania	786
23.	Italy	1,338
June 5.	Virginia	999

Date of arrival.	Ship.	Number of aliens.
1871.		
June 6.	England	679
7.	Helvetia	838
13.	France	990
21.	Holland	832
30.	The Queen	885
July 4.	Italy	685
July 13.	Denmark	559
15.	Erin	196
21.	England	545
29.	Virginia	593
31.	Helvetia	249
Aug. 1.	France	519
12.	The Queen	469
16.	Italy	504
28.	Spain	1,042
29.	Denmark	272
Sept. 8.	England	602
8.	Erin	281
13.	France	501
16.	Virginia	64
23.	The Queen	451
26.	Italy	535
27.	Helvetia	260
Oct. 2.	Spain	647
16.	Denmark	701
20.	England	403
27.	France	478
Nov. 3.	Erin	301
6.	Italy	521
13.	The Queen	386
15.	Virginia	306
21.	Egypt	799
24.	Helvetia	196
27.	Spain	271
Dec. 9.	Denmark	302
9.	Holland	213
13.	England	163
22.	Italy	273
1872.		
Jan. 3.	The Queen	66
4.	Egypt	196
19.	France	181

Date of arrival. 1872.	Ship.	Number of aliens.
31.	Holland	52
Feb. 3.	England	156
9.	Spain	58
10.	Denmark	220
10.	Erin	109
20.	Egypt	384
21.	The Queen	51
21.	Helvetia	70
March 2.	France	254
14.	Italy	694
26.	Holland	407
26.	Spain	455
30.	Denmark	519
April 4.	England	542
12.	France	747
18.	Egypt	1,059
23.	The Queen	323
23.	Italy	1,109
25.	Helvetia	536
27.	Spain	1,270
May 8.	Canada	1,245
10.	Erin	897
18.	England	1,250
18.	Egypt	1,525
25.	Denmark	840
27.	Italy	1,108
June 1.	Spain	1,133
7.	The Queen	585
10.	Canada	915
21.	Holland	722
24.	Egypt	653
27.	Helvetia	560
July 3.	Italy	657
4.	Erin	396
11.	England	557
16.	Denmark	640
16.	Canada	536
22.	Spain	657
Total number of aliens		18,114

Willy Wallach called and sworn:

By Mr. WAEHNER:

Q. You were at one time commissioner of emigration? A. Yes, sir.

Q. Will you state the year in which you were connected with this commission as a commissioner, and in what way you were connected with it, whether as an appointee, or *ex officio* member, by reason of being president of the German society? A. In 1870 I was appointed by Governor Hoffman, with the consent of the senate, as one of the state commission of emigration, and remained in office until the spring of 1873, when, by a law passed during that time, the then existing commission was vacated and successors appointed.

Q. Were you ever connected with the commission in your capacity as president of the German society? A. No, sir.

Q. In 1870 do you know of any proceedings or action taken on the part of the commissioners of emigration in relation to the reduction of head-money? A. At one of the first meetings, Mr. Isaac Bell, who was one of the commissioners, offered a resolution to this effect: that in consideration of the importance to the commerce of the city of New York and the prosperity of the state, it was considered advisable that the commissioners of emigration should reduce the so-called head-money to the lowest point that would enable them to provide for the immigrants according to the laws of this state; I do not remember the exact wording, but that, I believe, was the purport of it; that resolution was seconded, and unanimously passed by the commissioners; sometime after, during the summer or spring of 1870, Mr. Kimhardt, who represented the Hamburg line of steamships, addressed me and called my attention to the difference between the price of transportation charged to immigrants arriving at Baltimore and those charged to New York; stating, at the same time, that if this difference could not be diminished, that a large number of the immigrants would prefer to go to Baltimore, in place of coming to New York as before.

Q. Mr. Kimhardt was connected with what line? A. With the Hamburg line; Mr. Gustavus Schwab, the agent and representative of the Bremen line, made similar statements to me; in consequence of that I wrote to Baltimore and obtained correct and direct information in regard to the amount of money charged to immigrants arriving there for their passage to Chicago and other western cities, and I found considerable difference in favor of Baltimore; I called the attention of the commissioners to it at various times, and particularly the attention of Mr. Barr, who was a fellow commissioner of mine and at the same time represented the Erie railroad, or was general passenger agent for

the Erie railroad; if my memory don't deceive me, a special committee was appointed from the Castle Garden committee to look into this matter.

Q. Was this proceeding in 1870? A. In 1870, sir.

Q. Do you know of whom that committee consisted? A. The committee consisted of myself, who was named first, James Lynch and Mr. Barr.

Q. What did that committee do in pursuance of the instructions of the commission? A. I don't think the committee took any action in reference to that, except that we had some informal conversation about it; I don't believe the committee was ever called together for the express purpose of considering this matter; but I remember distinctly that I had different conversations with Mr. Barr in regard to it, and he explained to me at times that it would be difficult to unite the railroads to agree to a reduction of the fares, and that they were entitled to a higher rate than the Baltimore and Ohio road because the distance from New York was greater.

Q. Who was the attorney and counsel of the commission in 1870? A. General Jones.

Q. Did you, in 1870, come in contact with Michael Nolan? A. No, sir.

Q. Do you know Michael Nolan? A. I did not at that time; I know him since.

Q. This committee, did they make any formal report to the commissioners? A. Not in 1870; in the beginning of 1871, after two members of the commission, who were at the same time members of the house in Albany, had gone to Albany, Mr. Nicholson requested the board to pass some resolution calling the attention of the legislature to the necessity of reducing the head-money; I think it was in January; the president called a special meeting of the board.

Q. Who was the president in 1870? A. Mr. O'Gorman.

Q. Who was president in 1871? A. Mr. O'Gorman; at that meeting a resolution was offered in this matter, authorizing the president to embody in the yearly report of the commissioners, then to be made to the legislature, the request to reduce the head-money from $2.50 to $1.50.

Q. In 1870 do you know whether the commissioners of emigration were engaged in the prosecution of any of these ticket swindlers, or had any connection with that matter? A. Not, in 1870; not as commissioners.

Q. In 1869 was there any official action taken on the part of the commissioners, in connection with that matter? A. In 1869 complaint had been made, I believe, through the chairman of the society to the commissioners, that immigrants had been defrauded by being

offered and sold fraudulent tickets, but, as far as I know and recollect, the commissioners, as such, never took any official action in the matter.

Q. In 1870 did you have any conversation with any of the individual members of the commission, in relation to the reduction of head-money, except with Mr. Barr, as you have stated? A. I may have had conversations about it, I suppose; I mentioned it to Mr. Barr and Mr. Lynch, and always expressed my opinion that the simple reduction of the head-money would not relieve us; that, in my opinion, the steamship companies and the railroad companies should act together; that if each of these transportation companies would make a corresponding or a suitable reduction, that New York would be easily put in a position to compete with Baltimore and Boston.

Q. Then it was your opinion, at that time, that the reduction of head-money would not seriously affect emigration to this port or its increase; the question of head-money did not enter into the fact as to whether immigrants would land at this port? A. I cannot say that; the representations made to me by the agents of the steamship lines were so plausible and so powerful that I thought that a reduction in the head-money — which, of course, I expected would be connected with a corresponding reduction in the passenger fare — would increase the number of arrivals in the port of New York.

Q. Did the steamship agents, collectively or individually, at any time make any representation to you or intimate that in the event of the reduction of the head-money they would make a corresponding or proportionate reduction in the passage? A. Not in 1870, but in 1871, at a meeting which I have not yet stated took place one of the agents made such an intimation.

Q. Who was that agent? A. It was Mr. Williams, of the firm of Williams & Guion.

Q. Do you recollect positively and distinctly that he made such a representation? A. If you will allow me to state in connection with that meeting that —

Q. State it right in this connection? A. At the meeting to which I have testified already a resolution was offered by one of the commissioners to instruct the president to embrace in his yearly report a recommendation to reduce the head-money, and an amendment was offered to that resolution to refer these matters to a special committee then existing for the purpose of considering the reduction of railroad fare and transportation, and to empower that committee to hold a conference with the different representatives of the steamship lines; in consequence of that resolution, a conference took place, and the representatives of all — I think of all — the leading steamship companies assembled there and met with the committee; before the committee came to order Mr. Williams was there and in a conversation held with

him by Mr. Lynch, myself, and, I believe, by Mr. Barr also, we asked him that question — if the commissioners consented to, or recommended the reduction of the head-money, would that affect the passage fare — would you make a similar and corresponding reduction? and his reply was that he could not speak for any of the other lines, but as far as his line was concerned he saw no objection at that time that a corresponding reduction should be made.

Q. Do you know whether any such reduction was made after the passage of that bill in the legislature? A. There was not.

Q. And has not been made since? A. Yes, sir; since then very considerable reductions have been made.

Q. What time did that reduction first take place? A. Not during the time that I was first connected with the commission, but I believe it was in 1874.

Q. That the reduction was first made? A. I believe it was in the spring of 1874; during the year 1874 the competition amongst them was so strong that the passage-money from here to Europe and reverse was reduced about one-half what it used to be.

Q. Did you have any conversation in 1870 with Richard O'Gorman in relation to the reduction of head-money? A. I do not remember that I had any personal or direct conversation with him in regard to it, except what took place here in our meetings.

Q. Can you recollect any conversation had with any particular member of the commission of emigration at that time in relation to the reduction of head-money? A. I cannot remember any particular conversation, but I have no doubt that we frequently talked the matter over.

Q. Have you any impression, at this time, that any of the commissioners of emigration, at that time, were specially solicitous about the reduction of head-money? A. I had no such idea at that time.

Q. Have you obtained any such idea or impression since, from the action at that time of any of the commissioners? A. Not from the action of the commissioners, but from statements which were made to me afterwards.

Q. Will you state what those statements were? A. After the meeting of this committee, which I have spoken of once or twice, and after the recommendation of the committee had been approved of by the board, and action had been taken upon it, and a bill recommending the reduction of the head-money had been introduced in Albany to the legislature, I met Mr. Schwab, and, speaking to him about our action and the prospective passage of that bill, he stated that they had made a mistake in joining with other steamship companies in agreeing to pay a large percentage of commission for the passage of this measure, which, as it appeared then

would undoubtedly have passed without it; I asked him what he meant by that, and he said that an arrangement or agreement had been made with a lawyer to allow him a certain percentage — of 25 cents, I believe it was — of the net reduction, in compensation for his expected services; I heard that some of the commissioners had known about this matter, and that Mr. Lynch and myself had been put forward to offer such a resolution and press such a matter, so as to prevent any idea in the public that men who had, perhaps, other interests in the matter had charge of it; in other words, I thought I had been made a cat's-paw in the matter to help some one else, because that was the only occasion during the three or three and a half years that I was commissioner of emigration that I was ever made chairman of any committee — never before, and never after.

Q. Did I understand you to say you made other inquiries or investigations into the matter to ascertain whether your impression or idea was correct, or not? A. I did not at that time; I had no opportunity.

Q. Have you since that time? A. I spoke to some of the other agents of the steamship lines, and they confirmed the statement made by Mr. Schwab, and it was afterward known to every one that such an arrangement existed; the suspicion I had was confirmed through some little incidents that occurred here during the investigation ordered by the legislature in 1872, I believe it was, when that committee met.

Q. Will you give the committee what those incidents were, or what the grounds of your suspicions was? A. It struck me as very singular, that after eliciting from one of the gentlemen who was examined here, of the representatives of the steamship companies, who finally admitted that such an arrangement existed, that all further inquiry in that case was stopped — that in place of following it up and finding out the truth of it, and who was connected with, nothing further was said.

Q. Are there any other grounds or other incidents that you can recall, which led you to the suspicion or to the idea that you had been made a cat's-paw of in these proceedings? A. There was a general impression or belief that the money had been used to influence the legislature; I did not share that believe from the start; the investigation also did not lead directly to clear all the members, but an expression or a statement — I once called it a statement — an impulsive expression was used here by one of the members of the legislature, which confirmed me in my belief that the members of the legislature had nothing to do with it; Mr. T. Campbell, who was at that time a member of the legislature — I believe he was a member of the committee, but of that I am not positive, but he was here, and he was sitting toward that door, and I was next to him —

Mr. WAEHNER — The committee has information on that subject, and it is unnecessary to repeat that.

The CHAIRMAN — (To Mr. Waehner.) You might ask whether the examination of that witness was by oral questions put to the witness, or whether they were questions written and prepared and handed to some one to read.

By Mr. WAEHNER:

Q. Did you attend the investigation held in 1872 yourself? A. I believe I attended nearly all the meetings or sessions of the committee.

Q. Did you observe at those sessions whether the questions put to the witness were orally put, or were evidently suggestions on a paper made by some person? A. I believe that one of the gentlemen who carried on the examination had some questions on paper.

Q. Were you ever informed as to who the person was that suggested those questions, if they were suggested? A. I never was informed.

Q. Now, you understand that my line of examination now is direct in the form that I first put my question — whether or not the commissioners at that time — any of the individual members of the commission at that time seemed to be solicitious about the passage of this bill, or of the resolution in the board recommending the reduction of head-money to the legislature; now, if you have any other grounds of belief that any of the commissioners were so solicitous, or any fact to communicate in relation to that matter, we would like to hear it? A. Why, sir, I was one of the commissioners who solicited the passage of such a law, upon the grounds I have already stated, I considered it my duty as a state officer, and a citizen of the state of New York, to do all in our power to increase the commerce of New York and to prevent the immigration being led to any other port; and I believe all my colleagues at that time were impressed with the same feeling; I had no reason whatsoever of thinking of assuming any thing different.

Q. But you a moment ago stated that you were simply put forward as a cat's-paw in these proceedings? A. I tried to explain to the committee that after finding an arrangement had been made with parties by which they were to pay a fee, according to my estimate, of $70,000 or $80,000, that then I saw clearly that some one had acted from interested motives, then I felt that these parties who recommended it, from the grounds I have stated, were put forward to cover up the motives of some one else; that was the natural feeling — the natural suspicion that was created in my mind.

By the CHAIRMAN:

Q. At the time of the passage of this resolution of the commissioners,

you had no knowledge of the arrangement which the steamship companies had made? A. No knowledge whatever — no suspicion even.

By Mr. WAEHNER:

Q. Do you know, or have you any intimation which will enable you to state positively whether this arrangement which was to be made with the steamship companies, was make prior to 1871, or subsequent to 1871? A. I understood, when the first intimation came to me, that it was made in 1870 — prior to 1871.

Q. That the arrangement with the steamship companies had been made in 1870? A. In 1870.

Q. Can you now state who was the person that communicated this information to you? A. I have stated that already.

Q. Mr. Schwab? A. Yes, sir, Mr Schwab was the one who first informed me of such an arrangement.

Q. And did he state to you that the arrangement was made prior to 1871? A. Prior to that time; yes, sir.

Q. Now, whilst you were a commissioner of emigration, did you at any time come in contact with General Jones? A. I believe I met him here at the rooms.

Q. Did he ever make any suggestion to you in the year 1870 or 1871 in relation to the reduction of head-money? A. Never.

Q. Were you acquainted at that time with Alexander Frear, one of the commissioners of emigration? A. Of course, I was acquainted with him; I met him here.

Q. Did you have any conversation with him at any time in relation to the reduction of head-money? A. No more than with all the other commissioners in our regular meetings.

Q. Or with James W. Husted? A. Not any more than with any other commissioner; I do not believe that either of these gentlemen took any active part in the matter as far as the board was concerned.

Q, Do you know whether they took an active part in the matter as far as the passage of the bill was concerned? A. Yes, sir; Mr. Frear introduced the bill.

Q. Do you know whether Mr. Husted had any connection with the introduction or the passage of the bill in any way? A. No, sir; I do not.

By Mr. VOSBURGH:

Q. After the passage of this bill, and after the information which you obtained from Mr. Schwab, did you write to any member of the legislature to oppose the bill? A. The bill was passed as soon as the bill was sent up to Albany; 24 hours after, I think, it passed the house.

By Mr. WAEHNER:

Q. Did you write any letter to any member? A. No, sir; I believe it was immediately after we passed that resolution, and that was sent off at once.

Q. Do you know who drew that bill; whether any bill was drawn at the suggestion of the commissioners of emigration? A. I really cannot remember; I know that a report was drawn up here and sent to Albany; but I never interfered, and never was asked in reference to these matters; they were generally attended to by the president and the secretary, Mr. Casserly.

Q. And you have no information as to who drew and prepared the bill and sent it to the member who introduced it? A. I knew from the papers and from the statements made at the time, that Mr. Frear introduced the bill in the house.

Q. You never knew and never have inquired whether that bill was sent to him by the commissioners of emigration, or by whom it was delivered to him? A. I have not; I confined myself to my duties as commissioner.

Q. In 1871, did you ever come in contact with Michael Nolan? A. I called on Gen. Hillyer in the spring of 1871, in reference to the laws referring to the commissioners of emigration; I read the law very carefully, so as to inform myself of my duties, and I found some matter which was not entirely clear to my mind; I called upon him for advice, and he said he had not time to look the matter over and digest the matter himself, but he would introduce me to the gentleman who had compiled the laws, and at the next call I met Mr. Nolan, and he introduced me to him; that is, to my knowledge and belief, the only time I ever saw Mr. Nolan, except here, when he was under examination.

Q. Did Mr. Nolan at that time state to you what connection he had had with the passage of the bill in the legislature? A. No, sir.

Q. Or did he express any private opinion in relation to the merits or demerits of the bill? A. No, sir.

Q. Now, in 1872, the commissioners of emigration substantially rescinded the action of the previous year, by passing a resolution recommending the increase of the head-money? A. In 1871, as well as in 1872, after the passage of the law reducing the head-money from $2.50 to $1.50, the commissioners of emigration found out that no corresponding reduction was made in the passage-money; they also found out that the surplus that was in the possession of the commissioners at the time our commissioners entered into office was decreasing very rapidly, and the report made by the finance committee showed very clearly that at the end of the year 1872, even with increased immi-

gration the commission would not be in a condition to meet the contracted debts or other liabilities and sustain the institution in the way we understood the law required them to do.

Q. I don't want to put the question in an offensive way, but to find out your position in the board; in 1870 and 1871 were you one of the majority or minority members? A. That is difficult to say; in one or two instances two or three gentlemen voted with me, but during the whole time of my office I believe I was almost alone.

Q. Were you regarded as a democrat or a republican, appointed by Gov. Hoffman? A. I believe I was appointed as a democrat.

Q. But you did not act in harmony with the majority of the committee upon questions, as you have testified? A. I acted according to what I thought was best to the immigrant; I never considered politics during my position.

Q. In 1870 can you state whether or not the appointments made by the board were purely political in their character? A. I could not say they were purely political, but my firm belief is that they were influenced largely by politics.

Q. In 1871 did that same system prevail? A. The same way.

Q. In 1872? A. In the latter part of 1872 considerable change took place; the appointments were made then, I believe, irrespective of any political influence, if any appointments were made.

Q. Now, in 1872, when this resolution was passed by the commissioners of emigration requesting the increase of head-money by the legislature, was there any opposition to that resolution in the board? A. Not direct opposition, but a qualified opposition; I, for one, made opposition for the following reasons: The books and the records of the commission showed that, according to our understanding and the understandings of our predecessors, the state was largely indebted to the emigration commission; a large amount of money had been taken from the emigration fund prior, and used for different purposes not connected with immigration.

By Mr. ALVORD:

Q. You now speak of a mortgage? A. I speak of the interest paid on a mortgage; in the next place, an indemnity which had been given by the commissioners of emigration as such, for the loss they had sustained on Staten Island, which had been settled by a commission appointed by the state for that purpose — the result of that award in the shape of bonds, in place of being handed to the commissioners of emigration, was handed direct to the state treasurer, and went into the state treasury; in the next place, the commissioners of emigration were compelled to take $50,000 of their ordinary funds to pay out their share of the mortage on Ward's Island, and also were

compelled to buy in a piece of property at Seguin's Point — 50 acres of ground, which had been purchased in former years for the purpose of quarantine; all these items together made a very large amount, and I urged, and took the position at that time in our board, that it would be proper and right in the commissioners to use all their influence, if they had any, with the legislature, to obtain the return or refunding of this money before we would apply for an increase of head-money; I remember that I was answered that the chances of obtaining that were not very prosperous; that it would probably be delayed, and that the wants of the commission would be so pressing that we could not wait for that; and, therefore, it was proper to apply to the legislature in the first place for an increase of head-money, basing that on the fact that, notwithstanding the large reduction made by the state, that no corresponding reduction had been made by the steamship companies; and feeling the necessity of keeping the emigration commission in necessary funds, I voted cheerfully for that resolution, and I believe all the other members did.

Q. Was there any opposition of a qualified nature on the part of the other members, and can you now state it? A. Not any more than I stated on my part; I believe there were one or two gentlemen that felt the same way about it.

Q. Will you tell me who those gentlemen were? A. I believe it was Mr. Lynch, and I think Mr. Barr; I am not quite positive who the gentlemen were who sided with me; I know we had a long discussion about it.

Q. In 1873 I think the commission also recommended to the legislature the increase of head-money, did they not? A. I was not a member at that time; my official connection with the board ceased in May, 1873; that was made in 1872.

Q. Was there not any made in 1873? A. I believe there was.

Q. In 1870, what—in your opinion, now—was the condition of the commission, so far it concerned employees — was the number large, and too large for the necessary purposes of the board? A. I can only answer that question in a qualified way; it took me some time to make myself familiar with the routine and the interests of the institution, and I believe that for three or four months no changes were made, either of increase or decrease; in the fall of 1872, when the institutions on Ward's Island were largely filled by immigrants, I found by personal application the number of helpers was not quite sufficient, and I believe I called the attention of the chairman of the committee to it; it was also noticed that in Castle Garden, where on some nights 1,000 and 1,200, and sometimes more, immigrants were kept here in the rotunda and the adjoining rooms, that there was not sufficient super-

vision kept over them, and it was necessary to appoint some additional watchmen.

Q. Now, as far as the salaries are concerned that were paid, do you think that at that time they were too large? A. There were very few salaries increased at that time; I believe the increase in salaries had been made by our predecessors almost immediately before they went out of office; we inherited the large salaries, the salaries of the superintendent, the deputy superintendent and the treasurer, and I believe there was a secretary also, and an assistant secretary.

Q. And did your board allow those salaries to remain at the same figures, or were there any steps taken to reduce the salaries? A. The salaries remained at the same figures; I opposed the continuance of large salaries when new appointments were made; I remember especially the appointment of treasurer; I stated at the time that our predecessors had paid a high salary to that officer in consideration of his long service; I believe he was connected with us some 15 or 16 years, and that a new man, who had just entered upon the duties, was not entitled to the same — stating, at the same time, that I had a very competent book-keeper, who attended to all my business for half the salary the commissionrs set apart for that purpose; that I remember distinctly.

Q. State, according to the successive years that you were in the commission, what your opinion is, whether the salaries paid to the officers and to the employees were too large for the services rendered by them; whether there is any unnecessary increase of the force? A. The salaries of some of the officials I considered too high, and the salaries of the other officers they graded somewhat in consideration of the salaries paid to the other officers; there have been repeated efforts made during the time that I was a commissioner to reduce the salaries, and we never could come to or agree upon any, in my opinion, equitable system to do it; I proposed to classify them as first, second and third class clerks, and make a uniform salary for all the officers belonging to one class; but there was always some objection, and the matter was dropped.

By Mr. GEDNEY:

Q. Uniform or equal? A. Not equal, because the rates were different.

By Mr. ALVORD:

Q. Uniform; equal in the grade? A. Yes, sir; there were various reports made, and I think one as late as in the spring of 1873 and there were some reductions made of minor importance, but there was never any thing accomplished in the way of establishing a well-considered system; we dispensed with the services of some parties, I believe, in the latter part of 1872.

By Mr. WAEHNER:

Q. But the fact is that the salaries were increased in 1871, or the amount paid for employees was increased in 1871, as also in 1872? A. Yes, sir; the salaries of the head clerks; and I might as well say now that the reason that commissioners like myself who were opposed to the increase of salary were, in justice to other employees, compelled to advocate such an increase; men were singled out; some commissioner came here and moved that So-and-so's salary be increased to so much; there were other officers whose services were just as valuable and just as necessary, whose salaries were not touched; the consequence was that in the next meeting the commissioner and other commissioners offered to increase the salary of So-and-so.

Q. And, in other words, there was a system of log-rolling, as far as the increase of salaries was concerned? A. I would not call it log-rolling, but a feeling of justice to other employee's compelled commissioners to vote for the increase if they would not have voted for the increase otherwise, because some of them got a higher salary.

Q. Because a commissioner asked to have the salary increased for his appointee, another commissioner thought it ought to be increased for his appointee? A. Not appointees; the officers connected with the commission came to me and said, "you see I am here every day, and I am here from six o'clock in the morning to such an hour; this man was here so many hours; last year his salary was increased to $2,000, and I had to work here for $1,500, at that rate." Similar representations were made by other commissioners, and although I might have opposed at the time the increase of the salary of the first appointee, I certainly considered it just to the others not to oppose an increase of their salaries.

Q. That system prevailed, and that increased the expenditures of the commissioners as far as the employees are concerned? A. It was very great extravagance.

Q. In 1872 were there a superfluous number of employees, in your opinion, to the successful working of the commission, employed by the commission? A. There were some that I considered entirely superfluous.

Q. Can you now state what those employees were that you regarded as being superfluous? A. I remember two in particular, called postmaster and assistant-postmaster.

Q. Any others? A. Some men on Ward's Island — a man who pretended to be a superintendent of the labor bureau; another man who was appointed as superintendent of the boy's barracks, in charge of the boy's lodgings.

Q. Do you regard the services of the superintendent at $6,000 per annum as necessary to the commission? A. I did not.

Q. You thought that work might be performed by some one else, or the offices consolidated? A. Undoubtedly so.

Q. Did you think that the services of the treasurer were required for the commission? A. Yes, sir, I did; that is, an officer in that department to take charge of the accounts, and so forth, of the commission — if you call it treasurer.

Q. The treasurer at that time was also purchasing agent for the commission? A. No, sir, we had a purchasing agent besides.

Q. Could not the treasurer have done the same services as purchasing agent? A. A treasurer might; I don't know about the treasurer at that time.

Q. Would you regard taking a competent man, say a man competent to take charge of the ordinary accounts of the commission, would he have time to act as purchasing agent of the commission? A. Not during the time that I was commissioner; the duties of the treasurer were very large — the business was very large; if he attended to what the commissioners expected, he would not have had time to attend thoroughly to the purchasing of the supplies.

Q. Who was the purchasing agent at that time? A. A Mr. King.

Q. Was Mr. King in any way connected with any persons in the city of New York who at that time were acknowledged as leading politicians here? A. I cannot answer that question from personal knowledge.

Q. From information? A. Mr. King was introduced here by Alexander Frear; or, rather, Mr. Frear offered a resolution appointing Mr. King purchasing agent, and I inquired who that young man was, and was told that he was well connected — I believe a relative of Mr. Tweed — the brother of a gentleman who was in Mr. Tweed office — and Mr. King was confirmed by the board.

Q. Prior to the appointment of Mr. King, who did the purchasing for the commissioners? A. The commissioners here.

Q. Bonnell & Co., was it not? A. Yes, sir, I believe that was the name.

Q. What committees were you on? A. Only the Castle Garden committee.

Q. And did the purchasing of supplies for Ward's Island at any time fall within your supervision in any way? A. No, sir, except that I made it my business to look over the bills whenever I could find any.

Q. During the time that Mr. King was the purchasing agent of the commission had you occasion at any time to look into the prices or the quality of the goods furnished?

A. Yes, sir, I had occasion to look at the quality; I visited Ward's Island every Sunday — sometimes twice a week — and made it my business to go through the storehouses and the kitchen and inquire of

the inmates if they were fed, and what provisions they had, and called the attention of the warden to the kind of meat and other matters.

Q. During the time you were thus engaged, did you sufficiently inform yourself so as to be able to state now whether the prices were too large, or whether they were fair or reasonable? A. I did not; I confined my inquiry to the quality of the articles, and simply asked the superintendent or warden at Ward's Island if he examined the prices, and if they were correct.

Q. Who was at that time the warden? A. Mr. Welles.

Q. As far as the delivery of meat was concerned, did you find the quality generally good, or how? A. On different occasions I found the quality inferior — I would not say exactly the quality but the condition of the meat; there was a house erected with a large ice-box in it which was appropriated expressly for the keeping of the meat, and I made it my rule to call for the party who had charge of it, and told him to open the box and take out some meat, and I found very frequently a large portion of the meat consisted of so-called neck pieces, which, from my experience as a housekeeper, I know are of a very inferior quality, and sell at a very much less price.

Q. Did you notice whether a larger price was charged for these meats than they were worth? A. I believe there was only a uniform price for all the meat at that time, as far as I remember now; at that time, under that contract, he received so much per pound.

Q. Whether it was veal or mutton? A. Whatever it was.

Q. That is to say, it was a general meat delivery contract? A. Yes, sir.

Q. And there was no particular difference made as to whether it was veal or mutton, or beef? A. Yes, sir.

Q. The same prices were paid for each? A. Yes, sir, that is my impression; I am mistaken — I have the idea — the impression that there was one price charged for all the different qualities.

Q. Do you regard that as an economical and proper way? A. Certainly not.

Q. Was there any action taken by the board to remedy that matter at any time? A. Yes, sir; after repeated efforts on the part of Mr. Schack and myself, we succeeded in breaking up this contract, and in inducing the board to put out the contract to the lowest bidder.

Q. How was the other contract? A. That was an inheritance from our predecessors; I understood the contract was made with the contractor some four or five or more years previous to that, and had been carried on without being renewed or interrupted.

Q. Was that contract made for any specific term of years? A. I never saw the original contract, and I understood the contract had expired by its own limitation long before we came into office.

Q. Who was the person who had the contract? A. James Irving.

By Mr. ALVORD:

Q. James Irving of legislative notoriety? A. I believe he was the same gentleman.

Q. You mean the Smith Weed Irving? A. Yes, sir.

By Mr. WAEHNER:

Q. And that matter you say was remedied, and a contract was entered into in pursuance of advertised bids? A. Yes, sir.

Q. Did that contract classify the meats? A. Yes, sir; I might as well state here that I believe Mr. Irving was successful, as some qualities of meat that were furnished were reported at half the price that we paid before to the same party.

Q. Did you ever estimate what loss the commission sustained by reason of the continuance of that contract as long as it had been continued from the time that you entered into the board to the time it was broken up? A. Yes, sir; I did; I made a calculation at that time from such memoranda as I could take from the report of the commissioners published in the previous year, and found that at the time Mr. Irving contracted under this new contract, comparing the figures he received with those he received previous, that we paid him about $25,000 a year more than he ought to have got; that is, that he had $25,000 a year more than he was entitled to.

Q. Under the previous contract? A. Yes, sir.

Q. Was that owing to any change in the market price of the goods, or did the market continue the same as under the former contract? A. The year which I singled out to make the comparison, the price of meat was about the same as afterward; I understood that his contract was entered upon at a time when meat was very high, unusually high; and in later years, when meat had gone back to the old price, no corresponding decrease in figures was made.

Q. During the time that you were commissioner, was the price, at any time, increased more than had been originally agreed upon for meats that were delivered by Mr. Irving? A. I am not positive about that, but I have a recollection that one or two items in the contract were changed, because the system under which the contract was given out was not quite close or accurate enough; something was stated; soup-meat was to be delivered, I believe, at 6 or 6½ cents, and that we insisted upon having something which the contractor did not consider as coming under the proper classification of soup-meat, and that he was allowed a corresponding increase.

Q. Was that the only increase that was allowed? A. I believe that was the only increase.

Q. What were the terms of the contract; was the meat to be delivered at the price of the market at the time of the entering of the contract, during the whole term of its existence, or was it to vary with the market price of goods? A. I believe the contract was made for one year at stated prices.

Q. And the prices were marked in the contract? A. And the prices were marked in the contract, and a specification with the contract, showing the quality we expected to get; I remember it, because there were a great many technical expressions used that a meat dealer or butcher would probably understand better than I would.

Q. In regard to the furnishing of other supplies, did you inform yourself as to the manner in which they were purchased, and compare them in quality with the price charged? A. I remember that was the only article besides milk that was purchased then under permanent contract; by a permanent contract I mean contracts running over a stated time.

Q. As far as the supplies were purchased — taking, for instance, the item of flour and groceries — did you ever inquire to see whether the prices charged for those were reasonable or excessive as compared with the quality of the goods supplied? A. Yes, sir.

Q. State what was the result of your investigation into that matter? A. During the time Mr. King was purchasing agent I ascertained that certain brands of flour which he had purchased or contracted for, and which were not well known in the market, were rated higher or were charged much higher than some better known brands could have been bought for; I obtained my information by inquiry at the produce exchange, and asking what the price of such and such a brand was at the exchange, and the answer I received was, "the brand is not here, or is very seldom bought, but brand so and so, of a corresponding quality, can be bought at such a price;" and comparing those two, I found a difference of 75 or 80 cents on the barrel.

Q. Did you ever estimate what loss the commission sustained by reason of that system of purchasing? A. No, sir; I did not.

Q. Did you discover these discrepancies in any more than in one instance? A. I am not positive about that; I was induced to do so whenever I heard complaints on Ward's Island in regard to the quality of the flour.

Q. Would you be able at this distance of time to state whether it was in the purchase of a large quantity of flour that you discovered this discrepancy, or in the purchase of a smaller one? A. I am under the impression it was 200 barrels that were purchased at that time.

Q. Is that the only specific instance that you can give? A. The only specific instance where I made direct inquiries.

Q. As far as the purchase of groceries were concerned, did you ever interest yourself to look into the matter? A. No, sir.

Q. As far as the item of coal was concerned, what was the system adopted by the board while you were a member of it, for the purchase of it? A. The purchasing of coal was left to the Ward's Island committee, of which I was no member; but I remember that at a meeting of that committee, when I was present, I learned that the first purchase was made at either one of the auctions, or on the condition that the price of coal sold at auction should be charged to the commission.

Q. Did that system prevail in 1871? A. As far as I can remember.

Q. And in 1872? A. Yes, sir.

Q. There was no fixed contract made? A. Not to my knowledge.

Q. Was there any system adopted that you know of by the commissioners, at that time, or by any of its employees, to ascertain whether the correct weight was delivered? A. I don't believe there was.

Q. Can you state whether you regarded the prices of coal at the time they were made as being judicious or injudicious? A. I did not; I gave the matter no serious attention at the time; I believed that each committee would act to the best of its ability.

Q. It was not part of your business to supervise that branch of the working of the commission? A. No, sir.

Q. In 1873, or prior to that time, do you know what could have operated to change the commission —whether it was purely of a political character or whether any of the members of the legislature were governed in their action by personal spleen toward any member of the commission, or by any person who they had supposed at that time might become a commissioner? A. That I could not say.

Q. During the time that you were a member of the commission, can you state whether the workings of the commission were harmonious, or whether there were any distractions in the board of a personal character or of a political character which operated to the injury of the proper working of the board? A. I am sorry to say that the action of the board was not always harmonious; on matters of a general character, regarding the general interests of the immigrants, there was very seldom any diversity of opinion; but in matters of administration there was no harmony.

Q. What was the nature of the lack of harmony or unity; what was it caused by; was it political difference of opinion, or was it a desire on the part of any of the individual members of the commission to further political favorites, or in the purchase of supplies, to advance the interests of any person? A. I cannot enter into the motive that actuated the commissioners.

Q. As near as you could judge? A. I can only speak of the fact; there was no harmony in regard to the appointment and removal of employees.

Q. Was there any ring in the board of commissioners at that time — any combination on the part of any of the commissioners to secure the appointment of all the employees, and "run the machine," as it is called? A. I can only say, in reply to that question, that I found when one or the other commissioner was opposed to a certain matter, his more intimate political or social, or I might even say religious, friends voted with him.

Q. Can you state who the members were who were so politically favored in the commission as to have their views hearkened to whenever they moved any thing? A. I believe the principal men were Mr. Frear and Mr. Husted.

Q. And were there any others in connection with them that acted usually in that way? A. I found, as a rule, Emmanuel B. Hart, Isaac Bell, James B. Nicholson, and Mr. Lynch, in most cases voted together.

Q. Was your idea formed that these gentlemen composed a ring from the fact that they had greater advantages, as far as the appointment of employees was concerned, or what was the ground of your belief? A. I would find that in cases of removals or appointments that were recommended, that Mr. Frear made the same — that he was generally sustained by those gentlemen.

Q. So that, in short, Mr. Frear ran the board? A. Yes, sir; so far as appointments were concerned.

Q. That was the chief thing, I apprehend; now, did this institution run during the whole time that you were a member of the commission — was this same combination in existence? A. Mr. Bell, I think resigned before we were legislated out of office; I believe Mr. Bell resigned in the fall of 1872, just before the legislature met, and Mr. Lynch succeeded him as chairman of Ward's Island.

The CHAIRMAN — And Mr. Husted resigned in December, 1871, think.

By Mr. WAEHNER:

Q. During the time that you were in the commission, did you notice whether there was any want of harmony existing between members of the commission by reason of any religious difference of opinion existing either between the members of the commission or by reason of their espousal of any of the particular inmates? A. Yes, sir; the proposition was made in the board to erect a chapel, and I opposed that from the commencement; I used all the arguments I could bring to bear upon the matter.

Q. Was there any thing else of a distracting influence? A. There were often complaints made by the different chaplains of the different religious faiths.

Q. Were they of a serious character? A. Generally accusing each other.

Q. Did that produce any dissension between the members of the commission, so as to interfere with the harmonious and successful working of the board? A. I generally found one or the other commissioner defending this one, and the others opposing him.

Q. Did this feeling at any time operate in such a manner as to interfere, in your judgment, with the successful working of the board? A. Not directly.

Q. As far as giving proper care to the emigrant was concerned, and a proper administration of the funds? A. I can only speak of myself, and I must say it was my opinion that religion had some influence in the manner of making appointments.

Q. Will you state to the committee any information which you have in your possession, or any grounds of belief as to what influences operated to produce the reduction of head-money, excepting those that you have specified, in 1871? A. I do not know of any others.

Q. Have you any information as to whether or not any of the individual members of the commission had any connection with steamship interests at that time? A. No connection whatever, to my knowledge; no member of the commission.

Q. Or to your information? A. Or to my information.

By the CHAIRMAN:

Q. Mr. Barr was a representative of a railroad? A. Yes, sir.

By Mr. WAEHNER:

Q. Mr. Barr, you say, was connected with the railroad interests? A. Yes, sir.

Q. Was there any other person connected with the railroad interests? A. No, sir, not to my knowledge.

Q. During the time that you were commissioner, Mr. Bernard Casserly was superintendent, was he not? A. Yes, sir.

Q. Did you ever have any conversation with Bernard Casserly in relation to the reduction or increase of head-money? A. Yes, sir.

Q. What was the nature of those conversations, and what opinions, if any, did he express as to the advisability of the reduction of head-money? A. Well, the object with the commissioners was to have a decrease of the head-money obtained through the legislature; Mr. Casserly stated it would be a very easy matter—no doubt it would pass very quickly, without any effort on the part of anybody; and he con-

sidered the reasons which influenced the committee, members such as Mr. Lynch and myself, in recommending the reduction, was a just and proper one; and on later occasions, when the commissioners advocated an increase of head-money, Mr. Casserly did not conceal from me the difficulties which he had expected to encounter.

Q. Did he mention to you what those difficulties would be? A. He mentioned to me that undoubtedly the agents of the steamship companies would use every effort, or make every effort in their power, to prevent it.

Q. Did he at any time mention to you that Mr. Nolan was in any wise connected with the steamship interests? A. No, sir.

Q. Or that any member of the commission of emigration would take an interest in opposition to the views of the commissioners? A. No, sir.

A. Acting as a body? A. No, sir.

Q. Now, Mr. Wallach, will you state, from your experience, was Mr. Nicholson in any way connected with the dry-dock interest? A. Yes, sir; Mr. Nicholson was, and I believe is still, a large stockholder in the dry-dock company of the East River; I think he was the treasurer of that organization.

Q. At that time? A. Yes, sir.

Q. That would be in some manner connected with the steamship interests, would it not? A. I never knew that any of those ocean steamers were taken up on that dock; I never knew of an instance.

Q. From your experience as a commissioner of emigration, can you now state to the committee any changes or reforms which the legislature should adopt, or which should be adopted by the present commissioners, to secure the more efficient administration of the affairs of the commission? A. Yes, sir; in the first place I would suggest that the laws referring to the emigration commission should be simplified, should be thoroughly overhauled, and the old laws which have no more application to the present time repealed, and the duties which have to be performed by the commissioners of emigration, and the powers which the state intrusts to them, should be more clearly and positively defined; I lay particular weight upon that suggestion, for the reason that there was always a diversity of opinion amongst the commissioners as to how far its power extended, and what the actual duty of the commission was; I believe that if the law as I understood it — and, I believe, some of my colleagues — had been executed, that a large amount of money would have flowed into the treasury of the commission which they never received.

Q. From what source? A. From the special bonds; the law states that the commissioners are entitled, or rather instructed, to demand, in addition to the so-called head-money, in all cases where, in their

belief, any of the arriving immigrants will become a burden to the county or state, to demand a special bond for this purpose; the commissioners make a report to the mayor of the city of New York of every single case where a special bond is taken.

Q. In short, without going into the details of the law, with which the committee are acquainted, you would advise a prosecution of these special bonds? A. According to my information, the board received in former years as high as $80,000 from that source.

Q. Are you not aware some question was made in regard to the power of the commissioners to exact payment of these bonds? A. That was the continual reply the superintendent made to me when we urged the necessity of pushing the matter; but still there were always ship-owners who considered it legal and constitutional to pay those bonds, and then compromised with the commissioners; even as late as 1873 the commissioners received $75 for such a claim.

Q. Are there any other changes you would recommend either in the consolidation of any of the departments, in the reduction of the force of employees, in the purchase of supplies, or in any other manner that you could suggest? A. The principal recommendation that I would make would be the reduction of the number composing the board of commissioners of emigration; I believe the body is entirely too large for efficient and harmonious working.

Q. And you would suggest a smaller commission? A. I would suggest a commission to consist of three or five at the outside, with the representatives of the leading national societies, such as the Irish and German societies, as members of that board; my reasons for that are these, that in my experience, not only formed during the time that I was commissioner, but many years before I was elected commissioner, the idea impressed itself so upon my mind that if certain nationalities should come here who were not familiar with the language of our people, with the customs, the habits and ways of our people, that it would be not only desirable, but actually necessary to have a party in the board who understands these parties and is familiar with his people and inspire them with the necessary confidence that they will be taken care of.

Q. Would you advise that the presidents of these societies should be entitled to a full vote in the committee? A. Undoubtedly.

Q. Or in their present restricted form? A. I believe in their present restricted form they do more harm than good, for the reason that they run the institution while they have no responsibility; they are the most active members of the board.

Q. During the time you were commissioner of emigration you had an opportunity of observing whether the presidents of those societies took an interest, considerable or less, in the working of the commis-

sion; how does their relation stand in that regard? A. I am frank to state that among all the gentlemen connected with me at that time none took as deep an interest in the affairs of the immigrants as the representatives of the societies.

Q. Are there any changes that you would suggest in the purchasing of supplies for the island; do you regard the present system as being efficient? A. The present system of buying in the open market I consider the best.

Q. In preference to buying by contract? A. Yes, sir; I may, however, qualify that in regard to one or two items; for instance, the item of meat — it would be pretty difficult to buy that in open market at as favorable terms or prices as you could obtain if you gave a man a contract for a whole year; and so probably the same with milk; but all the rest — dry-goods, flour, coal, shoes, every thing that is required by the commission — can be bought just as cheap, if not cheaper, and undoubtedly of a better quality, by an active, clear-headed business man, than you can obtain them under any contract.

Q. Do you regard the present commission as having a sufficient or a superfluous number of employees, or a less number of employees than are necessary to carry on the working of the board successfully? A. I can hardly judge of that; I have not been at Castle Garden or Ward's Island for a year or two, and only know what has been going on from the reports in the newspapers.

On motion, the committee adjourned to meet at Castle Garden on August 10, 1875, at 10:30 A. M.

NEW YORK, *August* 10, 1875.

The committee met pursuant to adjournment.

Present — Messrs. Alvord, Schuyler, Vosburgh and Waehner.

On motion of Mr. Waehner, Mr. Schuyler occupied the chair in the absence of the chairman, Mr. McGuire.

Mr. WAEHNER — The marshal returns that he has made search for Mr. Jones, Mr. Casserly and Mr. Rudd, who are desired here, and has not found them, although he has searched ever since the last adjournment of the committee.

Mr. ALVORD — Mr. Rudd has been subpœnaed.

Mr. WAEHNER — Mr. Rudd has been subpœnaed, and returned an answer that he would appear, but he has not appeared. Although we have endeavored to find them, and although, together with some of my office force, we have endeavored to have these persons served with subpœnaes, service has not been made. Owing to their absence and the absence of other witnesses, I therefore move you that we adjourn until to-morrow morning at half-past 10 o'clock.

The committee thereupon adjourned to meet at Castle Garden, August 11, 1875, at 10:30 A. M.

NEW YORK, *August* 11, 1875.

The committee met pursuant to adjournment.

Present—Hon. Jeremiah McGuire, chairman; Messrs. Alvord, Schuyler, Waehner and Gedney.

Frank Rudd called and sworn:

By Mr. WAEHNER:

Q. What is your business? A. I am a lawyer, sir.

Q. You are in partnership, I believe, with Daniel Casserly? A. Yes, sir.

Q. Of whom does that firm in all consist? A. Myself and Mr. Casserly, so far as any joint business is concerned.

Q. Has Bernard Casserly any interest in that business? A. None at all.

Q. Has he had? A. Never.

Q. How long have you been in partnership with Daniel Casserly? A. With an interregnum when we were not in partnership, since, I think, 1869.

Q. Your partnership was first formed in 1869? A. In 1869, but has not continued without intermission ever since; there was a time when we were not partners.

Q. During what time was this that you were not in partnership? A. I think in 1870 or 1871 we were entirely dissociated.

Q. Then you resumed partnership again? A. To the modified extent to which we are partners now; we have much business in common, and we have a good deal of business as to which we have no joint interest.

Q. Are you acquainted with Michael Nolan? A. I have known Mr. Nolan by sight for perhaps four or five years; I think I met Mr. Nolan once and was introduced to him by General Jones in regard to a matter of law business about which I was consulting General Jones, in 1868; I have never seen Mr. Nolan to speak to him since until, I think, day before yesterday.

Q. Do you know whether your firm or whether Mr. Daniel Casserly was at any time retained in the interest of the steamship companies? A. Our firm never was.

Q. Do you know whether Mr. Daniel Casserly was? A. I have no personal knowledge on the subject; I know that he has done work in their interest.

Q. Do you know what time he did this work? A. I believe in this year, and I am not sure whether he did the year before or not; as to this last year I know that he did.

Q. Did you at any time appear at Albany in the interest of the steamship companies? A. Yes, sir; the history of my connection with that is this: In the early part, I think, of the legislative session, my partner, Mr. Casserly, announced that he wished me to prepare to make such arguments as might be necessary before the committees of the legislature in opposition to the proposed legislation for an increase of the head-money.

Q. When was that, do you say? A. I cannot specify exactly, but my impression is that it was in the early part of the legislative session.

Q. Of this year? A. Of this last legislative session; this retainer was entirely from him; I have had no other client in the matter than him, and know no one in the transaction.

Q. Did you prepare the argument? A. I did; I spent a great deal of pains in doing it, mainly under his direction, with his assistance, and I went up at his request to Albany and there made the argument which I did make before the assembly committee of the legislature of which Mr. Oakley was chairman; in that argument I stated the matter exactly as I understood it; that I represented the interests of the steamship companies.

Q. Did Mr. Daniel Casserly himself make any argument before the committee? A. He did not that I know of.

Q. Did you whilst in Albany see Mr. Bernard Casserly? A. I did.

Q. Do you know whether Mr. Bernard Casserly was there before the committee in the interests of the steamship companies? A. I am pretty sure that he was not.

Q. Do you know, or have you any information, as to whether Mr. Bernard Casserly was retained in that interest last year? A. My opinion — my recollection I should say — of the matter is distinct that he was not retained by anybody either this last year or the year before; I understood him to be working independently, and because his personal conviction and feelings are against the passage of that bill.

Q. Didn't you consult and advise with Mr. Bernard Casserly as to the argument which you were to make before the committee? A. No; I asked him now and then about facts, when he happened into our office, as he does; he has an office as receiver of the New Amsterdam Fire Insurance Company; has his office with us, and, in preparing our argument, we sometimes asked him about matters; but, as I remember it, I don't think I got any particular information from

him ; his brother knew much more about the statistics and legal bearings — with which I was more specially concerned — than he did.

Q. Was this transaction of this year, between yourself and partner, a joint transaction in relation to the steamship companies? A. Not at all; it was agreed that I should be paid a certain definite sum for the preparing and delivering, as might be necessary, of any argument.

Q. Who agreed to pay you that? A. My partner, Mr. Casserly.

Q. Do you know by whom he had been engaged? A. I have not the slightest knowledge.

Q. Do you know how much he received from the steamship companies? A. That I do not know.

Q. How much was paid to you by Mr. Casserly? A. The sum agreed to be paid stands to my credit with him, and I have been paid a portion of it — about $125, I think — from $115 to $125.

A. And the whole retainer was for how much? A. One hundred and fifty dollars.

Q. Did you have any thing to do with the preparation of any argument, in 1874, to the legislature? A. No, sir.

By the CHAIRMAN:

Q. Do you mean, Mr. Rudd, that that is all that you was to receive in any event — $150?

A. Yes, sir; that is all that I was to receive; I would not charge my partner as much as I would a stranger.

By Mr. WAEHNER:

Q. Were you not informed, at any time, that Mr. Casserly had received a very large retainer from the other companies — several thousand dollars? A. My partner, Mr. Daniel Casserly?

Q. Yes? A. On the contrary, I understood from him that the retainer, whatever it was, was quite a moderate one.

Q. Whilst in Albany this year, did you see Mr. Abram Wakeman there? A. This last year — I think not, sir; I did the year before; I attended his argument before the committee on commerce and navigation, in the senate chamber.

Q. Were you in Albany in 1874, in relation to this same business? A. No, sir; I was there opposing some other bills in a different interest entirely; I attended merely as a spectator, because I knew the argument was to take place.

Q. Was Mr. Daniel Casserly there when Mr. Wakeman made his argument before the committee last year? A. Yes, sir; he was with me — sitting together.

Q. But you do not know that he had any connection with the matter that year at all? A. I cannot say I do, sir.

Q. Do you know whether Mr. Bernard Casserly was connected with the steamship interests in 1874? A. I have never understood Mr Bernard Casserly to be connected with the steamship companies at all.

Q. Was he present at that argument, made by Mr. Wakeman, before the committee? A. He was.

Q. Did he appear to be associated with Mr. Wakeman? A. Not at all; he, and I, and my partner sat apart from Mr. Wakeman some distance away.

Q. What I understand you to say is, your partnership with Mr. Daniel Casserly is simply of a limited nature? A. It is a modified partnership.

Q. And a matter of this kind being outside of the general law business, why always in such cases a special retainer is had, or a special arrangement is made in relation to it between you? A. Precisely; I dealt with him as I would with any other client who required my services as counsel.

By the CHAIRMAN:

Q. Except you did not charge as much? A. Except that I should probably have charged more for the amount of work that I did; I worked very hard.

By Mr. WAEHNER:

Q. But you do your general law business under the firm name of Casserly and Rudd, do you not? A. Not uniformly; I do much of my business under my own name, and much of my business in the name of Rudd & Casserly, which is our firm name; Mr. Casserly, I believe, does the like; my office billheads and so on are about half and half; I sometimes use one and sometimes the other.

Q. Did you at any time, prior to this year, either 1870, 1871, 1872 or 1873, have any thing to do in relation to the steamship interests, as far as Albany legislation was concerned? A. Never, sir; that was my first connection with it.

Q. And was this sum of $125 the only sum that you have at any time received in connection with these steamship companies? A. Yes, sir.

Q. In their interest, as far as the legislature is concerned? A. Yes, sir.

Q. Do you know how long Mr. Daniel Casserly was in Albany this year, in relation to that matter? A. I don't think he was ever there over a day or two at a time; he was there three or four days if not more, and whether he was there especially on that matter I have no

personal knowledge; I knew that he went away; that he went to Albany, but the details of his doings there I have no personal knowledge of whatever.

Q. Do you know whether this argument that was submitted by you to the committee on commerce and navigation this year, was the only argument that was made in the interest of the steamship companies in relation to this subject, or were any other persons retained in a like interest? A. There was no other argument made for them by any person appearing in their interest; there was an argument on the same side — there were other arguments on the same side of the question; Mr. Lynch, on behalf of the commissioners, made some statements that I thought helped us.

Q. Mr. Lynch appeared there in favor of the bill? A. Yes, sir.

Q. And you appeared in opposition? A. Yes, sir.

Q. Do you mean that Mr. Daniel Casserly has at no time this year made any argument before the committee on commerce and navigation in relation to that bill? A. Not to my knowledge; I don't think he did at all; there was no other session of the committee on commerce and navigation that I know of at which any argument was made, except this one which I attended personally, and which was for the purpose of hearing an argument.

Q. What became of that bill, do you know? A. I understand it was not passed.

Q. While in Albany, did you talk with any members of the legislature connected with that committee, outside of your argument before the committee? A. Except a few words of greeting and the like, in the committee room, before the argument began, and before the formal session opened, I don't remember that I did; in fact, I am sure I did not.

Q. Was you introduced to members of the committee? A. I was, but I don't remember any, except two, that I knew before I went in there; Mr. Oakley and Mr. John W. Smith, whom I knew personally before that.

Q. You knew Mr. Oakley also before going there? A. Very slightly, personally; I knew him very well as a member of the legislature, because I had had occasion to make arguments before the legislative committees in previous years, and also, I think, to see him in relation to other matters which I was concerned with before the legislature of the previous year, and the year before that.

Q. Were you acquainted with any other members of the assembly, besides those two which you have mentioned? A. Yes, sir; I think I knew quite a number of them; none very well.

By the CHAIRMAN:

Q. Did you and Mr. Bernard Casserly go together to Albany? A. On the occasion that I went there to argue before the committee?

Q. Yes. A. I think not; we were not in company in any event.

Q. Were you in consultation together while at Albany? A. Not that I remember.

Q. Do you recollect how long you staid there? A. Yes, sir; I went there I think on the 10:30 morning express, and returned on the one o'clock train that night.

Q. That was the only time you was at Albany? A. That is the only time I was at Albany last winter.

Q. You think that Mr. Bernard Casserly was not retained at all, or acted in the interests of the steamship companies? A. I feel quite sure, from the tenor of all my conversation with Mr. Bernard Casserly, that he was not identified or retained by the steamship companies, but that his opposition to the bill was personal and independent.

Q. The result of a personal feeling against the commissioners, did you understand? A. No; the result of a personal conviction that the commission of emigration should be run with a head of $1.50.

Q. You know that he made himself quite active, at Albany, in circulating documents, did you not? A. I do not, sir; I knew that he was quite active in opposition to the bill, but not in the way of circulating documents; I had no knowledge on that subject.

Q. Do you know what his objections were to the passage of the bill? A. In a general way, I do; the main one was, that from his experience, he felt sure the increase was unnecessary, and that if the commission of emigration cost more than that to run it, it did not cost any more necessarily.

Q. That would depend upon the number of emigrants, I understand? A. Well, of course, one can derive from previous years — in the experience of previous years — a general outlook of it — get a tolerably clear average of what the number of emigrants in a given year would be; in preparing my argument, I had occasion to notice about it, and I feel quite sure that the general study of civilized nations and commerce, and so on, furnishes a tolerable index.

Q. Did you notice that the emigration was only about two-thirds as much as it was when Mr. Casserly was at the head of the institution? A. I know that that is so.

Q. Now, was Mr. Casserly's data as to the amount of money required to run the institution based on this small amount of emigration, or on the immigration as it was when he was the superintendent here? A. I can hardly speak for Mr. Casserly's views *in extenso*, because they were never communicated to me except in a very general way.

Q. In all your conversation with him did you ever hear Mr. Casserly make any objection to the expenses of the institution, except in the matter of salaries — that the salaries were too large and too many of them? A. Well, the impression I gathered from Mr. Casserly's views is hardly, it seems to me, a fair statement of them, because I know them only, as I say, in a very general way, and not from any business consultation intended to ascertain them exactly; my impression was that he felt, generally, that there was a degree of extravagance in the management of the commission.

Q. All through? A. All through; that is what I should infer from our conversation; but I can not say that he ever said so to me; but I have just that impression that gentlemen would have in talking over the same subjects.

James McFarland called and sworn.

By Mr. WAEHNER:

Q. You are book-keeper in the Leather Manufacturers' National Bank? A. Yes, sir.

Q. And this statement that you bring here is a correct transcript taken from the books of the bank, containing the account with Michael Nolan? A. Correct in every particular, sir.

[The account produced by the witness is put in evidence and marked "Exhibit No. 1, of August 11, 1875, F. M. A."]

(Please report after examination.)

Michael Nolan, in account with the Leather Manufacturers' National Bank, New York.

Dr.

1871.		1871.	
Jan. 4	$25 00	Feb. 23	$20 00
7	12 50	24	20 00
10	68 00	27	15 00
19	24 00	March 1	13 10
23	75 00	2	10 00
23	160 00	6	12 50
25	12 75	15	10 00
31	15 00	23	10 00
Feb. 2	35 00	23	25 00
3	25 00	24	16 00
4	24 00	27	30 00
6	25 00	28	15 00
13	20 00	29	50 00
15	346 27	April 4	25 00
20	8 00	18	15 00
21	25 00	21	60 00
23	43 00	22	15 00

1871.			1871.		
May	1	$96 27	July	24	$50 00
	1	40 00		27	25 00
	5	1,604 88		28	50 00
	8	15 00		29	160 00
	8	35 00		31	125 00
	9	5 45	Aug.	1	30 00
	11	35 00		1	1,000 00
	12	50 00		3	196 56
	15	3,571 75		4	30 00
	15	25 00		4	2,500 00
	17	750 00		5	50 00
	19	48 34		10	100 00
	20	575 00		11	100 00
	20	50 00		15	25 00
	24	50 00		17	50 00
	25	46 00		19	50 00
	26	51 00		21	23 50
	27	50 00		24	500 00
	29	10 00		26	100 00
	31	7 00		30	135 00
	31	3,500 00		31	55 00
June	1	25 00	Sept.	4	2,000 00
	2	137 00		7	80 50
	5	526 75		8	750 72
	7	60 00		11	300 00
	9	550 00		12	200 00
	10	47 00		14	750 00
	12	659 50		18	50 00
	12	750 00		23	1,500 00
	13	55 00		25	521 00
	14	500 00		26	30 00
	15	60 00		27	120 00
	16	75 00		30	500 00
	17	250 00	Oct.	2	55 00
	20	21 00		3	1,969 40
	23	35 06		6	99 00
	24	42 00		7	2,500 00
	26	300 00		9	280 00
	28	122 00		11	50 00
	28	750 00		12	17 00
	30	100 00		13	6,000 00
July	1	100 00		17	40 00
	5	125 00		18	25 00
	6	75 00		19	17 90
	6	3,500 00		21	20 00
	7	140 00		24	50 00
	12	500 00		25	80 00
	14	353 50		30	125 00
	15	100 00		31	43 00
	17	50 00	Nov.	4	1,041 14
	20	100 00		4	49 00
	21	324 23		6	100 00

1871.		
Nov.	6	$2,500 00
	10	146 00
	11	30 00
	14	50 00
	15	25 00
	16	50 00
	21	50 00
	22	25 00
	23	27 75
Dec.	1	1,000 00
	5	50 00
	6	50 00
	6	2,500 00
	9	1,750 00
	11	100 00
	12	857 00
	14	25 00
	15	350 00
	18	100 00
	23	50 00
	26	9 00
	27	77 50
	27	140 00
	30	50 00
1872.		
Jan.	2	18 00
	3	30 00
	5	953 59
	11	45 00
	12	450 00
	12	150 00
	19	29 13
	20	25 00
	22	750 00
	23	50 00
	26	59 75
	27	75 00
	29	50 00
	30	32 00
Feb.	2	26 00
	2	50 00
	6	3,000 00
	8	25 00
	10	50 00
	14	110 80
	17	38 00
	17	11 50
	19	25 00
	20	100 00
	23	33 00
	23	20 00

1872.		
Feb.	24	$50 00
	26	6 50
March	1	75 00
	2	200 00
	4	55 00
	7	13 00
	7	28 25
	11	30 00
	12	75 00
	19	200 00
	22	25 00
	25	128 50
April	2	50 00
	3	62 00
	4	39 77
	4	60 00
	5	300 00
	6	50 00
	9	50 00
	11	56 00
	11	120 00
	15	1,000 00
	19	20 00
	26	150 00
	27	100 00
May	1	15 00
	2	30 00
	7	32 50
	8	235 00
	9	200 00
	10	23 43
	14	9 00
	17	35 00
	23	50 00
	24	1,500 00
	27	200 00
	28	200 00
	29	153 90
	30	100 00
	31	400 00
June	1	9 00
	3	240 00
	4	2,614 00
	6	100 00
	14	50 00
	17	112 80
	18	30 00
	20	2,000 00
	21	60 00
	21	65 00
	22	10 00

1872.		1872.	
June 25	$150 00	Oct. 5	$40 00
27	171 50	7	2,250 00
28	16 60	10	125 00
July 3	300 00	14	1,000 00
5	1,000 00	23	50 00
8	500 00	28	55 00
8	110 00	31	60 00
10	1,000 00	Nov. 7	150 00
10	500 00	11	144 00
11	100 00	12	20 50
12	500 00	14	27 50
13	152 25	15	50 00
15	1,100 00	21	16 00
15	1,000 00	21	25 00
17	530 00	23	150 00
18	27 00	27	286 60
18	12 00	30	8 05
20	26 75	Dec. 11	50 00
22	21 35	11	150 00
24	257 52	12	81 50
24	750 00	14	50 00
24	4,610 00	16	50 00
25	100 00	26	8 80
Sept. 21	750 00	28	527 75
24	55 00	Balance	710 25
26	100 00		
28	12 75	Total	$94,838 85
Oct. 1	200 00		

Cr.

1871.		1871.	
Jan. 1	$37 38	May 11	$570 25
10	70 00	13	184 75
19	25 00	17	1,098 25
20	100 00	17	373 50
23	362 37	18	204 25
Feb. 10	50 00	19	776 75
15	215 00	23	269 00
18	120 00	23	250 50
25	125 00	25	1,112 75
Mar. 22	94 30	27	522 50
25	100 00	30	512 75
April 28	262 50	30	537 50
28	186 50	31	362 75
28	303 50	June 3	195 00
May 2	544 00	6	435 25
3	509 50	7	171 50
5	1,032 75	9	629 00
6	607 00	9	797 25
8	1,312 25	12	666 25
10	582 25	14	546 25
11	132 00	15	432 00

1871.		
June	15	$247 50
	16	381 00
	23	275 25
	24	1,320 75
	24	208 00
	29	373 28
	30	876 25
July	5	439 75
	6	365 25
	7	441 50
	8	221 75
	13	511 00
	18	832 25
	20	485 75
	21	135 75
	27	720 00
	29	714 25
	31	193 25
Aug.	4	1,126 50
	9	354 25
	11	266 50
	19	444 75
	19	206 75
	21	660 75
	26	692 75
	31	581 25
Sept.	1	314 50
	2	115 00
	6	493 00
	8	8,690 69
	9	185 75
	11	344 00
	14	214 00
	14	291 00
	16	417 25
	21	808 25
	22	113 00
	22	190 75
	23	1,919 40
	25	149 25
	26	141 25
	28	387 25
	29	300 75
	30	173 50
Oct.	5	1,690 50
	6	830 75
	13	154 50
	19	1,108 50
	20	565 75
	21	161 75
	23	175 75
	26	97 75

1871.		
Oct.	28	$577 25
	28	106 50
Nov.	3	788 75
	4	180 75
	9	625 25
	11	334 25
	15	590 75
	16	358 50
	18	343 00
	22	564 25
	25	452 75
	25	262 50
Dec.	2	216 75
	6	581 25
	8	148 00
	9	188 50
	12	269 75
	15	235 25
	16	72 75
	20	54 00
	21	50 00
	27	1,058 06
	29	187 50
	30	101 25
1872.		
Jan.	3	265 50
	6	82 00
	11	173 00
	11	126 25
	16	130 00
	19	204 25
	24	186 25
	25	343 24
	31	90 00
Feb.	2	203 25
	3	3,000 00
	6	200 00
	10	290 00
	17	150 75
	21	97 50
	24	129 50
	29	218 00
March	2	162 75
	12	63 50
	20	496 00
	23	109 25
April	2	186 00
	4	547 00
	5	186 75
	6	193 50
	19	852 50

1872.		1872.	
April 25	$150 00	July 19	$251 50
May 21	1,367 75	23	2,398 88
23	1,961 50	25	467 75
23	1,566 25	31	167 50
27	200 00	Aug. 3	339 75
28	197 00	Sept. 28	150 00
30	815 75	Oct. 2	2,272 50
June 1	216 00	7	123 75
3	600 00	Nov. 8	750 00
4	400 00	10	125 00
6	671 00	25	55 00
6	200 00	26	150 00
7	595 50	Dec. 14	527 75
13	689 75	28	500 00
14	452 75		
22	372 00	Total	$94,838 85
July 5	2,632 00		
8	3,841 25	1873.	
11	1,157 75	Jan. 1, Balance	$710 25
15	559 25		

Q. Have you any checks and books in your possession containing the accounts of Michael Nolan? A. Not covering that period — only say within two months, possibly.

Q. Has he still an account in your bank? A. Yes, sir.

Q. Is there any mode or system adopted by your bank whereby it could be ascertained to whose order the checks were drawn? A. No, sir; we only put the figures down — simply the figures.

George C. Allen called and sworn.

By Mr. WAEHNER:

Q. You are connected with what steamship company? A. Cunard Steamship Company.

Q. In what capacity? A. I am Mr. Franklyn's representative, when he happens to be away, in the management.

Q. How long have you acted in your present capacity? A. Since 1872.

Q. Have you the charge of the books and papers of the company? A. The book-keeper has; I am general manager.

Q. Upon your order they would be delivered? A. Yes, sir.

Q. Do you know whether the Cunard Steamship Company had any arrangement in conjunction with other steamship companies, in the year 1872, with Michael Nolan, or any other person, so far as related to Albany legislation? A. I had no direct instruction that way; I was instructed, when Mr. Franklyn left and went to Europe, to pay Mr. Nolan a certain sum of money, which I did.

Q. What was the sum of money, and what were your instructions,

as near as you can now state? A. I could not state without reference how much money it was; it was something in the neighborhood of $2,000 or $3,000, I believe.

Q. Do you know Mr. Michael Nolan by sight? A. No; I never saw the gentleman to my knowledge.

Q. In what manner did Mr. Nolan identify himself, when he called on you? A. The check was drawn and paid by me.

Q. Did you sign the check? A. According to the best of my belief I signed the check — in fact, I must have signed it.

Q. Upon what bank was the check drawn? A. The Bank of New York.

Q. Can you furnish to the committee the checks made by the company to Mr. Nolan, in 1871 and 1872? A. I presume I could.

Q. I would like to have them? A. The books and old records are stowed away, over at the wharves, I fancy, at Jersey City; I will have search made for them.

Q. You can take your time for it; you can furnish them in a day or two, can you not? A. Oh, yes.

Q. You have not examined your books to ascertain whether any money was paid in 1871? A. No; I have been so busy I have not had time to make the investigation.

Q. Did Mr. Franklyn inform you what this arrangement was with Mr. Nolan? A. No, not to my knowledge; I don't remember his having done so.

Q. He only told you to pay Mr. Nolan? A. So much money.

Q. Did he mention it all in one sum, or were the sums to be dependent upon the number of immigrants conveyed by your vessels? A. I think we only gave him one check; but the check was for a variety of accounts, I know that.

Q. Do you know what the arrangement was, or have you any information? A. Of course I have a sort of general idea it was a commission on head-money.

Q. You never had any conversation, you say, with Mr. Nolan? A. No, sir; I never saw him to my knowledge.

Q. Did you ever have any conversation with any other person in behalf of the Cunard Steamship Company, in relation to Albany legislation? A. No, sir.

Q. Where is Mr. Franklyn? A. He is in Europe.

Q. What time do you expect him to return? A. He will be back some time in November, I think.

By Mr. ALVORD:

Q. Have you any idea, or knowledge of the fact, that the amount you paid him extended over a particular length of time? A. I could

find out over what time the amounts paid him extended, by examining books and finding out when the first check was drawn for him, and when the last one was — otherwise I could not.

Q. I was in hopes you would be able to give that to-day; I hope you will be able to give it to us within a few days? A. I would have been very glad to do it, if possible, but, as I was mentioning just now, our old books and papers of every kind are stowed away in Jersey, and it takes quite a little time sometimes to find them; but I will look for them.

Q. In order to facilitate you in your examination, it might be well enough to say that you can safely confine yourself from about the 9th day of April, 1871, up to and including the 31st of December, 1872; that gives you the two years of 1871 and 1872; or take from the 1st of January, 1871, up to, and including, the 31st of December, 1872? A. I presume you won't wish to retain the checks?

Mr. ALVORD — Not at all; we simply want to look at them, and return them.

The CHAIRMAN — Send a messenger here and they shall be returned.

Edward J. Wilson, called and sworn:

By Mr. WAEHNER:

Q. You are an attorney and counsellor at law, I believe? A. I am, sir.

Q. Are you acquainted with Michael Nolan? A. I am, sir.

Q. How long have you been acquainted with him? A. For several years.

Q. In what manner did you first become acquainted with him, if you now recollect, and by whose introduction? A. I think through General Jones.

Q. You were in partnership at one time with Mr. Nolan, were you not? A. I was.

Q. Will you state when that partnership first commenced? A. I think it was the 1st of May, 1871, and terminated on the 30th of last April.

Q. You are not in partnership with him now? A. No, sir.

Q. On the 1st of May, 1871? A. Yes, sir.

Q. Prior to that time, with whom had you been in partnership? A. I have been in partnership with several.

Q. Immediately preceding that time? A. Immediately preceding my going into partnership with Mr. Nolan I was alone then; I had been formerly in partnership with General Jones and Mr. E. T. Rice.

Q. Do you know when that partnership commenced and when it terminated? A. I think it commenced some time in July, 1867, and terminated, I think, in 1869.

Q. What time in 1869 did it terminate? A. I could not say.

Q. Do you know when General Jones became postmaster? A. I knew that he was postmaster, but I have no recollection of the time.

Q. You were not in partnership with him at the time he was postmaster? A. No, sir; I think not.

Q. During the time that you were in partnership with Mr. Nolan, did you know of his employment in the interests of the steamship companies to go to Albany? A. He told me that he was employed by them, sir.

Q. Did he communicate this to you before he went to Albany, or after he had gone there? A. Before; the latter part, I think, of 1871, he told me he had been retained by the steamship companies.

Q. In the latter part of 1871? A. Yes, sir.

By the CHAIRMAN:

Q. That was long after your partnership commenced, then? A. Yes, sir; the partnership commenced in May, 1871.

By Mr. WAEHNER:

Q. I don't know whether you understand my question; did he communicate the fact to you that he had been retained by the steamship companies prior to his going to Albany in their interests, or after his return? A. Prior to his going.

Q. When did he go? A. I think he went during the winter of 1871–2.

Q. Did he tell you what arrangement he had made with the steamship companies? A. He did not, sir.

Q. What was the nature of your partnership at that time — a general partnership in law business? A. Yes, sir.

Q. Did he not consult and advise with you in relation to the matter? A. He did not, sir.

The CHAIRMAN — It is very evident, from the testimony, that Mr. Nolan had performed what services he did perform at Albany, before going into partnership with him.

Q. The bill was passed in April, 1871; you formed your partnership in May, 1871? A. Yes, sir; I am right in that; it was in May, 1871, that we went into partnership.

Q. You say that he communicated this to you in August, 1871? A. the latter part of 1871.

Q. Do you know whether Mr. Nolan had any arrangement with the

steamship companies, in the year 1873; it may be now — you will pardon me for making the suggestion — it may be that you have reference to the arrangement of 1872, which was communicated to you by Mr. Nolan, before the meeting of the legislature of that year? A. That is what I have reference to; I have reference to what is the subject of investigation here.

Q. Well, the fact is that he had an arrangement in 1871, as well as an arrangement in 1872; you know nothing about the arrangement in 1871, if you were not in partnership with him at that time? A. No, sir.

Q. I am speaking now of the arrangement of 1872, whether he communicated to you what that arrangement was? A. No, sir; he did not.

Q. Did you not regard the employment of Mr. Nolan, in the capacity of council to the steamship companies, as part of the legitimafe business of your concern? A. I so supposed it.

Q. And you supposed that you were entitled to your *pro rata* share upon a division of the profits of the concern, the same as any other business transaction? A. I supposed so sir.

Q. Do you know how much, or did Mr. Nolan at any time inform you how much he had received from the steamship companies in 1870, as such counsel to them? A. No, sir; I never knew of these sums of money received by him.

Q. You never knew of them? A. No, sir; never heard of them or knew of them until I saw them in the papers.

Q. Did Mr. Nolan at any time in the year 1871, or in the year 1872, pay into the concern any part of the profits or moneys received by him from the steamship companies as their counsel? A. He did.

Q. How much did he pay into the concern? A. He handed me $1,500, with which I credited the firm, and I suppose he credited himself with whatever is chargeable to him; I credited to the firm whatever was coming.

Q. Do you know how much in all was paid in that manner into the concern, of which you had a proper share? A. I do not; because I never looked into his accounts; at the end of the year I added up my account, and my partners added up theirs, and never went into details.

By the CHAIRMAN:

Q. When did he pay you this $1,500? A. I think it was June, 1872.

Q. By checks or currency? A. That I cannot remember.

By Mr. WAEHNER:

Q. You terminated your partnership when? A. Last April.

Q. Have you since that time, since June, 1872, received any money from Mr. Nolan, growing out of this employment of him, by the steamship companies? A. No, sir.

Q. You cannot state beyond the sum of $1,500, that you ever realized any thing out of that employment of Mr. Nolan? A. Mr. Nolan told me that he credited the firm with, I think, $2,000.

Q. Credited the firm? A. Yes, sir.

Q. In what way was that done — what do you mean by crediting the firm? A. In his account with the firm; giving credit for so much received.

Q. He charged himself with having received $2,000, and paid $1,500 besides into the firm, with which he was credited?

The CHAIRMAN — Paid it over to the witness, and the witness charged himself with it.

The WITNESS — Yes, sir.

Q. When you settled up your concerns at the end of the year, how much of that $2,000 came to you or to Mr. Nolan, properly? A. Well, I could not tell you that, because we added together what we netted, and then divided that according to the percentage of our partnership.

Q. And you say that Mr. Nolan at no time informed you that he had received a greater sum than this sum of $3,500 out of the steamship companies? A. No, sir.

Q. Did he, at any time, make any statement to you that this $3,500 was all that he had received from the steamship companies for this business in Albany? A. No, sir; he just handed me the $1,500, which I took.

Q. Didn't he make any remark at the time that he handed you the $1,500, about that being your proper share of that transaction, or something of that sort? A. No, sir; he just handed it to me, and I took it.

By the CHAIRMAN:

Q. When he told you that he had charged himself with $2,000, what did he say? A. That I cannot remember.

Q. Didn't you understand that the $2,000 that he charged himself with, and the $1,500 paid to you, was all that he had received, that the firm was to receive any benefit from? A. Yes, sir; that I understood.

By Mr. WAEHNER:

Q. I was just about to ask you the question, whether the payment of the $1,500, and the $2,000 that he said he had charged himself

with, did not convey to your mind the impression that that was all he had received, acting in the capacity of attorney for the steamship companies? A. That was the impression, that was for the firm.

Q. Do you know whether in 1872, or were you informed by Mr. Nolan in 1872, that having made an arrangement in 1871, with the steamship companies, in relation to this head-money business, the same contract had been continued during the year 1872? A. No, sir; I had no conversation on the subject.

Q. And he never entered into any details or explanations to you of the arrangement he had made with the steamship companies? A. No, sir; they were his clients, and I left the matter entirely with him; they were not my clients; I am not acquainted with any of the gentlemen connected with the steamship companies, except William H. Guion; I never said a word to him on the subject.

Q. You have never spoken to him on the subject? A. No, sir.

Q. You have never been consulted, or advised with any of the steamship agents? A. No, sir; I don't know any of them.

By the CHAIRMAN:

Q. You understood, then, that your firm, of which Mr. Nolan was a member in 1871, had no interest in the money, except by virtue of the arrangemt of 1872, didn't you? A. No.

Q. Mr. Nolan told you in the fall of the year 1871, that he was going to Albany; had made an arrangement with the steamship companies to do some business at Albany? A. Yes, sir.

Q. What business, then, that he transacted in 1872, is all you supposed the firm had any interest in? A. That is all.

Q. You did not regard that the firm had any interest in business that had been transacted prior to the formation of your partnership? A. No, sir; not at all.

By Mr. WAEHNER:

Q. Have you the books of the concern of Wilson & Nolan? A. I have my own books, and Mr. Nolan has his; each kept a book on which they charged the firm and credited the firm.

Q. But you kept no books jointly? A. No, sir.

Q. You were in partnership with General Jones from July, 1867, to July, 1869? A Yes, sir; I believe so.

Q. During that time, or a part of that time, was not General Jones counsel to the commissioners of emigration? A. I am not certain about that; I knew that he was counsel for the commissioners of emigration, but I have forgotten the precise time.

Q. During the time that you were in partnership with General

Jones, did Mr. Nolan have any interest in the concern of Wilson & Jones? A. No, sir.

Q. And you say that the firm terminated in July, 1869? A. I think it was in July, 1869.

Q. Up to that time you don't know Mr. Nolan as having any interest in the business of the concern of Rice, Wilson & Jones? A. No, he had not.

By the CHAIRMAN:

Q. Was the salary received by Mr. Jones an individual matter, or did it belong to the firm — the salary that he received from the commissioners of emigration? A. My impression is that he was not the counsel during that time; his salary did not go into the firm.

Q. At any time? A. I think not, sir.

Q. A personal, private transaction? A. I think it was, sir.

By Mr. WAEHNER:

Q. Did General Jones have any other office, or was he connected at any part of the time that he was in partnership with you, with any other person in business? A. Not to my knowledge, sir.

Q. Do you remember that General Jones, at any time, had any interest with, or was connected in any manner with, the steamship companies as their adviser or counsel? A. I do not, sir.

Q. Was you ever informed that he acted in that capacity? A. During the time of our partnership?

Q. During the time you were in partnership with him. A. I think not, sir.

Q. Or after the time? A. No, sir.

Q. Or before the time that you formed your partnership? A. No, sir.

Q. You say that you were introduced to Mr. Nolan by General Jones? A. I think I was, sir.

Q. And during the time from the year 1869, July, to the 1st of May, 1871, you were in business alone — had no partner at all? A. Yes sir; I had no partner during that time; my nephew continued with Mr. Rice, but I had no interest in that firm during that time.

By Mr. ALVORD:

Q. I understand you to say that the moneys which were received by you from Mr. Nolan, that inured either to the benefit of yourself or of your co-partnership, were in gross $3,500, or $1,500 received by you, and a settlement of Mr. Nolan, that he had charged himself with $2,000? A. Yes, sir.

Q. Have you any idea or recollection at what time it was? A. I think it was in June, 1872; either June or July, 1872.

By Mr. WAEHNER:

Q. Would you look at your book, Mr. Wilson, and give us positive information, and send it here to the committee, by letter? A. I can do it in the course of an hour, sir; do you mean when I received the money?

Q. The date when you received that $1,500? A. Yes, sir, I will do so.

By Mr. ALVORD:

Q. And you were impressed at the time of its reception, that it was for services performed by him for the steamship companies in the session of the year 1872, preceding the receipt, did you? A. Yes, sir.

Q. Then, when you entered into copartnership with him, in the spring of the preceding year, in May, I think — A. Yes, sir.

Q. He did not give you to understand at all, in any way, that he was in receipt of moneys from the steamship companies for services? A. No, sir.

By Mr. WAEHNER:

Q. I forgot to ask you one question, Mr. Wilson; what was the general arrangement between you and Mr. Nolan, as far as the division of profits was concerned; was there any percentage? A. Yes, sir, we graduated the percentage; I suppose that is entirely a private matter.

Q. It is a private matter, but it has been incidentally alluded to; Mr. Nolan has testified to it, and I just want to ask you the question, whether the statement was correct, that Mr. Nolan was to receive 40 per cent and you receive 60 per cent? A. Yes, sir.

By Mr. ALVORD:

Q. What became of Mr. Nolan after the dissolution of the partnership between you and him, in the summer of 1872? A. Last April, sir.

Q. The 30th of last April? A. Yes, sir.

Q. Where was Mr. Nolan prior to your receiving him as a partner? A. I think he was with a partner by the name of Dukes.

Q. Was he ever in connection or partnership with General Jones? A. That I do not know, sir, I can't recollect.

Q. What is your recollection in regard to the time of the employment of General Jones as counsel for the Board of Emigration? A. I really, sir, have no recollection about it.

Q. Do you know any thing, of your own recollection, whether or not he was, or was not, connected with General Jones, during the time that General Jones was thus counsel for the Commissioners of Emigration? A. Do you mean Mr. Nolan?

Q. Yes? A. My impression is he was in his office.

Q. Whether in the capacity of clerk or as partner, you know not? A. No, sir.

By Mr. WAEHNER:

Q. General Jones was in partnership with you from 1867 to 1869? A. I think it was 1869.

Q. And during that time do you mean that Mr. Nolan was connected with General Jones in any way? A. No, sir.

Q. Or in his office? A. No, sir — prior to that.

Q. Prior to 1867? A. Yes, sir.

By Mr. ALVORD:

Q. I want to get over the *hiatus* between 1869 and the time that Nolan went into partnership with you — whether or no he was, during that time, in connection with General Jones; as I understand it, you disolved partnership with General Jones and Mr. Rice in 1869? A. I think it was.

Q. And that you remained by yourself until you went into copartnership with Mr. Nolan? A. Yes, sir.

Q. Now I want to know Mr. Nolan's whereabouts, if I can find it from you, between those two years? A. I think Mr. Nolan had an office in Liberty street, a part of the time, at least, with a gentleman by the name of Dukes.

Q. Do you know whether he was at any of that time either with or attached to the office of General Jones? A. No. sir.

By Mr. NOLAN:

Q. Did you expect any proportions of the moneys earned by me for services rendered prior to our partnership? A. No, sir; I distinctly stated I did not.

[The witness here left the stand and returned in a short time, and produced the statement from his book, under date of June 3, 1872, as follows:

"Wilson & Nolan, in account with Edward J. Wilson.

"*June* 3, 1872.

"In the matter of Steamship Owners' Association. $1,500."]

Michael Nolan being recalled, produced a printed statement, addressed to the chairman of the committee, dated August 10, 1875, which was received by the committee as a part of his evidence and hereto attached, marked "Exhibit No. 2, of Aug. 11, 1875 — F. M. A."

NEW YORK, *August* 10, 1875.

To HON. J. MCGUIRE,

Chairman Assembly Investigating Committee, Castle Garden:

SIR — When last before your committee you requested me to make a statement of the moneys received by me from the steamship companies, which request I shall refer to hereafter.

First let me request the committee to record on the minutes of the testimony the following recital of my connection with the steamship companies.

In 1869 I was retained by them to prosecute the emigrant swindlers, whose depredations on emigrants had become a crying scandal. The vigor and success of these prosecutions have been certified before your committee by Mr. Dale and Mr. Nicholson. For these services I received $400 from the companies.

In 1870 it was deemed necessary that more stringent laws should be enacted for the protection of the emigrants against persons keeping ticket offices under the pretense of being steamship agents, where emigrants were constantly defrauded. The keepers of these offices advertising themselves as the agents of the steamship companies, the good name of the latter became involved. For this reason, I was again retained to secure, if possible, such legislation as would put an end to these fraudulent practices. With this view I drafted the statute known as Chapter 413 of the Laws of 1870, entitled "An act to prevent frauds in the sale of tickets upon steamboats, steamships and other vessels," and by dint of great energy and perseverance finally secured its passage.

I was assisted by no influence except the demands of the press, nor did I expend a single dollar, directly or indirectly. Having passed the senate without difficulty, the bill was at first defeated in the house; but through the efforts of a few members it was finally carried and signed by the governor. An examination will show that upon the final vote a majority of the members from New York city opposed the bill. The emigrant swindlers were, at that time, by no means politically weak, and fought vigorously against its passage. Lobbying persistently against it on the floor of the house were two men whom I afterward had convicted and sent to states prison for the very offense the bill was designed to prevent.

It was this bill I had in mind when I testified to having appeared

before the committee in Albany, at the Delavan House, of which Mr. Fields was chairman, and of which, as I find by reference to the Legislative Manual, Mr. Alvord, notwithstanding his positive assertion that he had never seen me, was a member. My appearance there can be proved by Mr. Ronan of Albany, Mr. Gleason of St. Lawrence, Mr. Nelson of Rockland, and other members of the judiciary committee of that year. After the lapse of over five years, I easily confounded this bill with the bill of the subsequent year in my memory. To the good, beneficial results of my services in the matter, I believe the shipping companies will bear ample testimony. For this year's work I received $1,150.

In the year 1871 I was once more retained by the steamship companies to aid them in securing a reduction of the head-money for which they had long labored unavailingly. I made with them a contract similar to that which in several previous years had been made with other lawyers, who, however, failed to secure the desired object. The consideration was to be a percentage of the amount saved to the companies by such reduction, during one year after it had taken effect. Unless any contingent fee be unprofessional, I am not aware that such an arrangement is not strictly in accordance with legal usages and propriety. Those who were to be benefited by it were certainly the best judges of its value. Did I need to justify the act from precedent, I have only to point out the fact that precisely the same contract, but for nearly double the amount, had for a number of years previously existed with a legal firm of high standing, a member of which had long been counsel to the commissioners of emigration, with whom his connection had ceased but a short time prior to the making of the contract. At the time I entered upon the arrangement, I had borne no professional relation to the commissioners of emigration for many months.

If the contract itself was a proper one, I do not see that the amount of the fee brought with it any opprobrium. The reward was certainly large, but it was proportioned to the services to be rendered and the difficulty and doubtfulness of success. Such work is done every day by lawyers upon contingent fees, which are always larger because they *are* contingent. The action of the commissioners of emigration in recommending a reduction of the head money furnished me an unexpected element of success which had been lacking in previous efforts. The charge that I acted upon private knowledge of the intentions of the board is absolutely false. My first intimation of those intentions came from reading the resolution, as published in the newspapers, about the beginning of February, a source of information as open to the steamship companies as to myself. In point of fact, the agents who retained me knew long before I did of the design of the

commissioners, with whom they had had a conference upon the subject, as expressed in the resolutions itself. Their contract, therefore, was made with a full understanding of all the facts. Had they not deemed my services necessary, they would not have employed me. Public opinion had unmistakably spoken in favor of a reduction; the leading newspapers strongly urged it; a convention had been held at Indianapolis, in November, 1870, to protest against any capitation tax upon emigration; a bill was then pending in congress to transfer the entire control of emigration to a federal bureau, with a head tax of but $1. All these influences combined to make my work far easier than I could have anticipated. I know of no rule of professional or abstract morality which called upon me, on that account, to surrender a contract already made.

Having drafted a bill for the purpose intended, I took it to Albany, and calling upon Mr. Frear, who being himself a commissioner of emigration, I thought would take a greater interest in it, I requested him to introduce it. He informed me that he had then a bill of similar purport, sent him by the commissioners of emigration. The bill was in effect eventually introduced, and passed without opposition. It was passed in a great measure because public opinion demanded it. No corrupt means were resorted to with my knowledge or consent.

I solemnly aver that I did not pay, and do not know of there being paid to any member of the legislature, or to any emigrant commissioner a single dollar. As to the precise disposition of the amounts received by me, I must state, with all respect to the committee, that I cannot answer any questions on that head, regarding it a matter of purely private concern.

The total sum realized, I believe, I understated in my testimony from defective recollection. I find that I have no means of stating it exactly, and must therefore refer the committee to the books of the steamship agents, who can give more accurate accounts than I could possibly; and the amounts stated by them will prove, doubtless, correct.

The amount is certainly very large, but the private practice of many lawyers in this city will show even greater gains, and by perfectly honest means; and the present is but one of many cases where a lawyer makes at once the profits of years of incessant effort. It is a daily practice to take claims against the government, city, state and national on fees contingent, wherein a successful issue not unfrequently realizes fortunes for attorneys.

It must not be forgotten, either, that the compensation being based on the number of emigrants, was swelled far beyond any anticipation by an unlooked-for increase of emigration in the years 1871–1872.

One or two inaccuracies in the course of my testimony I desire to correct. I said I was at the Delavan House in Albany, where I usually stay, during the pendency of this bill before the legislature in 1871. The committee has proof that I was at Stanwix Hall in Albany, during that time. After the lapse of over four years such a mistake simply shows the honesty of a witness; for it is a circumstance easily forgotten, and there could be no possible reason for equivocation.

I have already explained to the committee the cause of mistake in relation to my appearance before the committee in 1871.

In respect to General Jones' resignation I sent word to that gentleman, after my first appearance, requesting to be informed, if I was right as to its date. He sent back word that he thought I was. It was for this reason I adhered to my statement, despite the records, and I cannot now see its importance or relevancy to the issue.

I deem this statement due to the committee and the public at large, as well as to myself, and I have a confident hope that the committee will give it a place upon its records. The groundless suspicion that this was a corruption fund has excited the public mind and made me the target of attacks as virulent as they are unjust. The prejudice thus raised against me no fees could ever compensate for. The labors of years of honest toil and energetic effort against many obstacles and in many employments, have been almost frustrated.

I have thus honestly and frankly covered all the salient points of the case; and while, from the serious scandals which have been generated from my action in the premises, I sincerely regret it was ever my misfortune to undertake the task, yet, in carefully and conscientiously looking over the whole ground, I cannot see that I have been guilty of any thing which should invoke the public condemnation or the censure of those in my profession.

All of which is respectfully submitted.

MICHAEL NOLAN.

Mr. W. W. Niles appeared as counsel for Mr. Nolan, and stated that Mr. Nolan was ready to answer in the fullest manner as to his transactions with members of the legislature or lobbyists, or persons holding official relation, but that he declined to detail his private transactions.

The chairman stated to Mr. Niles that it was the opinion of the committee that although money was not paid directly to a member of the legislature, still they have a right to know to whom money was paid which was ostensibly used for the purpose of affecting legislation; that Mr. Nolan should state to the committee to whom money was paid, and the committee would draw their own conclusions from it.

Mr. Waehner stated to Mr. Niles that if Mr. Nolan would produce

his bank checks, showing the payment of all this money, and the parties to whose order it was paid, the committee would exercise its discretion as to whether or not they would examine those persons as to any details, and if it seemed to be a private transaction, the names of those persons would not be made public and not even be placed upon the official evidence taken by the committee.

Mr. Nolan and his counsel, Mr. Niles, retired to an adjoining room, for consultation, and on returning, Mr. Niles stated that Mr. Nolan was of the opinion that the course suggested by Mr. Waehner would in fact make the whole matter public.

Mr. WAEHNER — Do I understand Mr. Niles that Mr. Nolan declines the proposition that I have made?

Mr. NILES — Yes, sir.

Mr. WAEHNER — My proposition is this, and I ask it either for acceptance or rejection, that we ask Mr. Nolan to produce before us all checks, in private session, which he has given to parties from the 1st day of May, 1871, to the 31st day of December, 1872; that we, in private session, will select such checks as we deem to be of importance in this investigation; that if the committee come to a conclusion, upon Mr. Nolan's suggestion, that any of those which the committee has selected are simply of a private character, they will examine into those, and into those transactions in private session; that if the matters elicited in private session are of public importance, they will be published; if not, they will be kept secret.

[Mr. Nolan and his counsel, not being ready to accept the proposition made by Mr. Waehner, were allowed until to-morrow morning at half-past 10 o'clock to consider the matter, at which time they agreed to be present with a final answer.]

By Mr. WAEHNER:

Q. I desire to call your attention to a matter which I see is omitted in your statement, which, it seems to me, would have been a very valuable part of it; your memory was indistinct as to how long the arrangement was between yourself and the steamship companies, in the first instant — whether it was six months or a year or 15 months, some of the steamship agents having testified that it lasted for a year, some testifying that they had a contract for six months, and finally came to the conclusion that the arrangement lasted for a year; I see that you make no statement as to the matter; have you refreshed your memory at all to ascertain how long the first arrangement was for? A. The first arrangement was for one year.

Q. From the date of the passage of the bill? A. From the date of the passage of the bill; the second arrangement, among a few of

the steamship companies, was for three months from the date of the legislature.

Q. And can you now state how much you have received now under that second arrangement? A. I cannot, sir.

Q. It was certainly over $5,000? A. Oh, it certainly was, sir; beyond a question.

Q. Then there is another matter that I don't see that you have made any remark about in your statement; I asked you the question on your examination, whether you regarded your employment by the steamship company in the capacity of counsel, and you answered yes; now, at this time you were in partnership with Mr. Wilson, and a general partnership as lawyers, and we find that all the money that you paid into the concern of Wilson & Nolan was $3,500? A. Yes, sir.

Q. How do you reconcile that with the idea of having received more than $5,000, at least, putting it at the minimum figures, and the arrangement that you had with Mr. Wilson; how was it that you turned only $3,500 into the concern, which you had received as counsel, when you had a partner in business who was entitled to share with you the profits which you realized as counsel? A. Well, sir, you must really excuse me from answering that question; it would only lead up to a discussion that would take a great deal of time, and end in no good to anybody — certainly not to the furtherance of this investigation.

Q. But you see, there is a manifest discrepancy there; you regarded yourself purely in the capacity of counsel? A. Yes, sir.

Q. You say you have paid no money, in your statement, to any member of the legislature, or to any commission; therefore, from that statement we must conclude that you received all of the money that you say was paid to you, and paid none of it to anybody else; now, if that be so, your partner was entitled to his *pro rata* share of the amount you received under the arrangement of 1872, and you received a larger amount, even than $10,000, as appears from the evidence, yet you only turned in $3,500 into the firm of Wilson & Nolan; I ask you how you reconcile that? A. It would take some little time to explain it; and I ask to be excused from answering the question.

By the CHAIRMAN:

Q. Could it be reconciled? A. I think, so, sir, very satisfactorily.

By Mr. WAEHNER:

Q. We are willing to take the time to listen to the explanation?

By Mr. ALVORD:

Q. Do you ask to be excused temporarily or entirely? A. Entirely.

Q. I think you are bound to answer; we have got time enough? A. I would wish to find a copy of the contract; I believe you asked Mr. Dale to produce a copy of the contract, didn't you?

Mr. WAEHNER — Yes, sir.

The WITNESS — And he has not produced it; I would like to see it.

Mr. WAEHNER — Mr. Dale says he has not the contract, and there was no contract made.

The CHAIRMAN — Mr. Nicholson I understood to have said that the contract was made long before the meeting of the legislature.

Mr. WAEHNER — Mr. Dale says so, too.

The WITNESS — I think the discrepancy of the testimony only shows that, after the lapse of time, so many of us are apt to forget dates.

By Mr. WAEHNER:

Q. The sole question here is, how you reconcile your position as counsel to the steamship companies, with the idea of paying only $3,500 into the concern of which you were a member, and yet receiving, as counsel, an amount five times as large; I would like to know whether you decline to answer that question? A. Yes, sir.

By Mr. GEDNEY:

Q. I understood Mr. Nolan, on a former occasion, to say that the agents of the steamship companies sought him out, and not he them? A. I did not mean that; I mean that they sought my services just as much as I sought the contract; I did not mean by that a personal seeking, but a desire for my services, based upon my successes for them in the former year.

Q. Did Mr. Nolan take to any of the steamship companies a written paper? A. Well, that is a detail that I would not like to speak of positively; I think I drew the contract with my own hand; that I handed it to Mr. Dale; that Mr. Dale signed it, and that it was sent around; by whom, I don't know, but I believe by somebody selected by Mr. Dale, to the other agents for signature; and that in order to get the concurrence of the other agents for signature, I think there was a formal meeting and conference all round prior to the drafting of the contract, so that there was no trouble at all, and it got back into Mr. Dale's hands, and I think it was handed to me; that is my remembrance now at this distance of time.

By Mr. ALVORD:

Q. Do you know or are you aware of the fact whether any copies of that were kept by the steamship companies? A. I think there were duplicates; that is my recollection.

Q. Were they signed conjointly by you on your part as well as by them? A. Oh, no sir; it was a mere promise on the part of the steamship companies to pay a commission.

Q. Providing you were successful? A. Providing I was successful.

Q. I understand you to say — because I want you to understand distinctly that the steamship companies, so far as representatives are concerned, here, have testified absolutely to the fact that you sought them, and they not you — do I understand you to say that you did not initiate this contract upon your part, but that it was a sort of a conjoint action between you and the steamship companies? A. What I mean to say is this, sir; that I did not by any trick or device, or expedient or industry of seeking, induce these parties to make this arrangement with me, not because I sought them out and bothered them all the time, but because it was for their own interest.

Q. I did not ask that question — I asked who initiated the attempt at a negotiation which resulted in your final arrangement? A. I think it was I, sir; I think I must have.

Q. Then you now agree that you went first to the steamship companies and advised them that you could produce, possibly, this result? A. I don't believe I went to any steamship company or steamship agent but one.

Q. No matter whether it was one or 40? A. Mr. Dale — I think very likely I made the proposition to him; at that very time, I think, I was engaged in the prosecution of some immigrant swindlers.

Q. Now I want to ask you what your recollection is in regard to the date of this agreement? A. My recollection, sir, is — without any purpose to equivocate — that the contract and agreement was made after the 1st of January; that is my recollection; it may have been before that.

Q. After the 1st of January, what year? A. Of 1871, sir; it may have been made before that; I cannot remember at this distance of time; unhappily, I have not got the contract — I wish I had; it would settle many disputes.

By Mr. WAEHNER:

Q. You would be able, perhaps, to state when the contract was made; you said a while ago you think you were employed in the prosecution of these immigrant swindlers? A. I think I was.

Q. Couldn't you by your register or by your memorandum book, kept by you in your business, state what the time was when you prosecuted the last case? A. No, sir; I am a very careless man at details.

Q. Would not the record in the district attorney's office show it? A. I do not know, sir.

Q. Do you recollect the names of any of the persons whom you prosecuted latterly under that act, that you secured the passage of in 1870? A. I think one man was a man named McDonald.

Q. Was he one of the first, or one of the last ones? A. I think he was one of the last ones.

Q. Any others that you now recollect? A. I think there was a man named Burns whom I succeeded in getting convicted.

Q. McDonald and Burns? A. I think so; I speak now with caution, on account of the inaccuracies of detail which have been imposed upon me before.

Q. Any others that you can now recollect that you prosecuted? A I think there was a man named Moore, that I was somewhat instrumental in bringing to justice.

Q. Are those the only ones? A. These are the only ones that I can recall now.

By Mr. ALVORD:

Q. At what time were you associated with General Jones? A. I came to this city in December, 1868, and at that time General Jones was a partner in the firm of Rice, Wilson & Jones, and I was a clerk.

Q. Clerk in the firm of Rice, Wilson & Jones? A. Yes, sir; he was counsel to the board at that time; afterward he became postmaster; then the firm was reorganized of Rice, Wilson & Jones, and he went into partnership with me.

Q. What time did he go into partnership with you? A. I don't recollect that; I think in 1869?

Q. What time did that partnership cease? A. It virtually ceased after his appointment as postmaster; it efficiently ceased; he had no interest in the firm.

Q. You say you was a clerk in the office of Rice, Wilson & Jones? A. Yes, sir.

Q. And you put that time at 1868 and 1869? A. Yes, I came here December, 1868, and a portion of 1869.

Q. Was Mr. Wilson an active and efficient member of the firm? A. He was at that time, sir; but soon afterward he left the firm, and his nephew, Thomas Emmet Wilson, took his place.

Q. I ask you whether at the time you were clerk, he was an active, efficient member ot the firm? A. Yes sir; he was.

Q. Did you become acquainted with him? A. Oh, yes, I became acquainted with him as clerks do with their employers.

Q. How do you account for the fact that he never knew you until he went into partnership with you? A. I don't remember his saying

that; he said that he made my acquaintance in 1867, if I remember right.

Mr. WAEHNER — He said he was introduced to you about 1867 or 1868 by General Jones, and he testified that he had no connection with you, and you were not around the office.

Mr. ALVORD — That you were not a clerk in the office; he testified to the fact that you were not in any way connected with him, either as clerk or partner, until he went into partnership with you.

The CHAIRMAN — I don't think he mentioned the word "clerk."

Mr. ALVORD — Well, no matter; leave that to the minutes.

The WITNESS — That is easily proved; Mr. Rice or Mr. Jones will prove that.

By Mr. ALVORD:

Q. Can you tell what time you went into partnership with General Jones? A. I cannot, sir; some time in 1869.

Q. I see in your statement here that you have made to us, that you were led to make the conclusion that you did, in regard to the time of the termination of Mr. Jones' employment here, by making your own statement and Mr. Jones acceeding to it; have you seen fit to change that view? A. I apologized for the inaccuracy, or rather explained the inaccuracy, and I stated why I fell into the inaccuracy; as to the change of my view as to the time of his resignation, I suppose I must assume that he resigned at the time mentioned on the record; when he comes on the stand I have no doubt that he will explain that his resignation was pending for a long time before it was accepted, and that I had nothing whatever to do with him during that interval; I was gradually becoming a little more independent of Mr. Jones, and I was making my own living.

Q. Didn't you have to do with Mr. Jones while you were in the employ of the steamship companies, and prosecuting these swindlers? A. Oh, yes, sir.

Q. Wasn't that a part and parcel of the business appertaining to the business of emigration, and growing naturally out of that? A. Well, ordinarily not, sir; in special cases the commissioners took a special action and ordered the counsel to proceed; however, in this case the number of immigrant swindlers had increased wonderfully, and they were scandalizing all the companies — the companies' good name was being brought into disrepute in Europe, and I was specially retained to prosecute the whole gang of them.

Q. At that time were you with Mr. Jones? A. I was, sir; I was with Mr. Jones; I was a clerk, at last, with Rice, Wilson and Jones, and I was afterward a partner of Mr. Jones.

Q. At that time these ticket swindlers were prosecuted under the law that you obtained in 1870? A. Yes, sir.

Q. And these prosecutions of McDonald and others — you were then with General Jones? A. Yes, sir, I think so; I say I was with him, I was with him in name of the firm, but he was postmaster and he had no interest in the firm, and I had no business relations with him whatever; I got nothing from him out of his earnings; I gave nothing to him from my earnings — not a penny.

Q Are lawyers in the city of New York in the habit of keeping their accounts — their business — in the loose way in which your testimony shows that you have done? A. Upon my word, I don't know what the habits of lawyers are, sir, and the truth is that I was a very inaccurate and a very bad accountant.

Q. And a worse witness? A. They say we make the worst witnesses in the world; if the converse of that proposition is true, I ought to be the best lawyer in the world.

By the CHAIRMAN:

Q. I see in your statement you state, with a good deal of positiveness, that you handed the bill that you drafted for the reduction of head-money, to Mr. Frear? A. Yes, sir.

Q. Have you had any consultation with Mr. Frear since your former testimony? A. No, sir; I have not seen Mr. Frear since a year ago this summer, I think, at Saratogo; I don't know where he is.

Q. What facts and circumstances induced you to change your former testimony, that you handed it to Mr. Gleason or Mr. Nelson? A. The cause of my original mistake, confounding the bill of 1870 with 1871; and the moment the bill of 1870 was settled and disposed of, I connected the bill of 1871 with Mr. Frear in the manner stated in my report.

Q. You have now a clear and distinct recollection that you handed the bill to Mr. Frear? A. That is my clear and distinct recollection.

Q. You also said that Frear, at the time that you handed it to him, informed you that he had a similar bill drawn and sent him by the commissioners of emigration? A. Yes, sir; a bill of somewhat the same purport.

Q. Which bill was introduced — the one that you drafted or the one that the commissioners drafted and sent to Mr. Frear? A. That I cannot tell, sir; I know that the bill that was passed was, word for word, the bill that I drafted, or rather it embodied all its features.

Q. I understand from Mr. Niles' statement, which probably is intended for the public ear, that every dollar that you received from these steamship companies you could satisfactorily account for as being

invested in your private business; now is that true? A. Being invested in my private business, sir, is probably not a phrase that would exactly cover the case.

Q. He went on to illustrate as to a check of $6,000 that was invested in bonds for your own benefit, and that every large item, and in fact about every item, could be accounted for in the same manner; now, the general question that I put is, of all this money received from the steamship companies, is it true, in point of fact, that it was invested in your private business? A. My "private business," sir, is a very peculiar term.

Q. You, of course, must know what I mean by it — is it invested for your own individual benefit — the bonds or other property for which you invested the money? A. I don't know how to answer that question, sir; it was certainly not invested in my own private business to the extent of my retention of every penny of it in my own pocket.

By Mr. SCHUYLER:

Q. Or for your own benefit? A. Oh — for my own benefit — it may have been disposed of that way.

By Mr. WAEHNER:

Q. We have now the account of the Trust Co. and the account of the Leather Manufacturers' Bank; is there any other bank or institution in which at that time you kept money? A. No, sir.

Q. Then all of the moneys received by you from the steamship companies are to be found in the accounts of the Leather Manufacturers' Bank and the Union Trust Co.? A. Yes, sir, as well as other moneys in my private business, and I made considerable money in other ways in that time.

Q. Can you now state whether or not you deposited all of the money that you received from the steamship companies in either or both of those banks? A. Yes, sir; I think every dollar of it; well, I am positive of it; that is true.

By the CHAIRMAN:

Q. Can you state what part or portion of this money that you received from the steamship companies was retained for your own private benefit? A. No, sir; I must decline to answer that question, with all respect to the committee.

Q. And that you decline for the reasons before stated? A. Yes, sir.

Q. Was more than $35,000 retained by you, in the year 1872, out of the renewed transactions, or renewed contracts, with the steamship companies, for your own private benefit? A. That I must decline to answer, too, sir.

Henry R. Kunhardt called and sworn:

By Mr. WAEHNER:

Q. You are the agent of the Hamburg line? A. Yes, sir.

Q. And have acted in that capacity how long? A. Since 1853.

Q. In 1870, were you aware of any arrangement made in the interests of the steamship companies, with relation to a reduction of head-money? A. I don't know whether that arrangement was made in 1870.

By the CHAIRMAN:

Q. Are you aware that any arrangement was made without reference to its terms? A. There was an arrangement made in the beginning of 1871; it might have been the last days of 1870 — it must have been the beginning of 1871.

By Mr. WAEHNER:

Q. Can you tell what that arrangement was, with whom it was made, and in what manner it came to pass that your company was concerned in it? A. That arrangement was made in consequence of, I believe, Mr Nicholson and Mr. Dale, or somebody from Mr. Dale's office with a letter from Mr. Dale, came to me with the contract, with the agreement; it was signed by Mr. Dale already, and Mr. Schwab, I believe, of the Bremen line, that the steamship companies would agree to pay 25 cents in case the head-money was reduced, and the steamship companies were to pay nothing in case the head-money was not reduced; I was asked to sign the paper; after I had read the paper, I said I would see the gentlemen and talk about it; I saw Mr. Schwab about it, and, I think, Mr. Dale about it, or Mr. Nicholson, in Mr. Dale's office, and thought at first that the sum of 25 cents was rather large, and he said it could not go into effect unless all the principal companies carrying immigrants would agree to it, and we could not expect to withhold from it, because, to use a common expression, we had to take the chestnuts out of the fire first, and they must all go and do the same thing; we talked it over whether it was rather large, and they all said it was necessary to get such a law, and some one would have to be all the time in Albany, as one could never tell when the bill might be called up, and the attorneys had to be there all the time; and as they would not get any thing for their trouble, unless they succeeded, it was not too much; and the other companies agreed to it, and I agreed to it.

Q. Were you aware, when you signed that, that the commissioners of emigration had already passed a resolution, or contemplated passing a resolution, requesting the legislature to reduce the head-money? A. No, sir.

Q. You had no knowledge of any proceeding? A. No, sir.

Q. If you had had that knowledge or information, would you have entered into any compact of that character? A. No, sir.

By the CHAIRMAN:

Q. You never had any interview with Mr. Nolan on the subject, prior to this time? A. Not prior to this time.

Q. What you mean to say is, that this paper was brought to you from Mr. Dale's office, in the forepart of the year 1871? A. Yes, sir.

Q. When the arrangement was made with Nicholson or Dale with Nolan, you have no knowledge? A. I have no knowledge; they brought the paper to me, signed by Mr. Dale, in the forepart of the year 1871.

By Mr. WAEHNER:

Q. Of course, acting in your capacity as agent for this steamship company, you would have been informed whether the commissioners of emigration had passed a resolution of that character, or contemplated passing it, would you not? A. I do not think that I would have been informed that they contemplated passing any such resolution.

Q. Or that a resolution of that kind had been adopted — I will put it in that form — it would have been a matter concerning yourself? A. It would have been a matter concerning myself, and I should have read it in the paper, if published; but, otherwise, I don't think the commissioners would have informed us of it; I don't know whether they would or not.

Q. Were you appointed in behalf of the steamship companies, at one time, to consult with the commissioners of emigration in regard to the reduction of head-money? A. No, sir.

Q. Did you ever consult with any of the commissioners of emigration about the reduction of head-money? A. I talked several times with Mr. Wallach about it — not as a commissioner.

Q. Not in a formal way? A. Not in a formal way; Mr. Wallach was in our office, and spoke to me about it.

Q. What was Mr. Wallach's views at that time, and when this conversation took place, was it prior to the signing of this paper by you? A. No, sir, it was later.

Q. What did Mr. Wallach tell you at that time? A. I had spoken to Mr. Wallach about the papers, about a publication in Germany which advocated strongly the route from Germany to Baltimore, as being preferable to the route via New York, for immigrants; and I gave Mr. Wallach the paper, and I believe he kept it, too; it was a newspaper, simply advising strongly this route; and I told Mr. Wallach that one of the great points was that we must make the

route via New York, as cheap as we possibly could, and, to do that, it was very desirable that the head-money should be reduced; I believe it was upon the commencement of the arrival of the Mennonites, from the south of Russia; I told Mr. Wallach that all these people would go right away to the west, to Wisconsin, and they would never stop in New York and pay heavy head-money, if they could go straight out west; if we could get them here in New York, it would be an advantage to the steamships and an advantage to the State of New York, because if once the people take them out west they will keep them; I gave Mr. Wallach this paper, saying that, and I told him I thought it would be very desirable to have the head-money reduced.

Q. Was Mr. Wallach at that time in favor of the reduction of the head-money? A. I don't think that he spoke either in favor of it or against it; I think he was rather in favor of it, but he seemed to want more information; he came and asked me what would be the benefit to the immigrants, and I told him it would be so much cheaper, that there was a great competition among them, and if they could lessen their expenses, they would be able to take immigrants cheaper.

Q. Do you mean to say that the change in the price of head-money would change the price of passage-money for immigrants? A. The passage-money has, through that and other causes, been affected, but everything that tends to cheapen head-money, tends to cheapen the rate of passage.

Q. After the reduction of the head-money by the legislature, there was no reduction in the price of passage, was there? A. The price of passage at that time was 55 Prussian thalers on the other side; it has since been run down to 40; that was not an immediate cause, but even immediately after that there was an arrangement made to take these very people that I speak of from the south of Russia, at a reduced rate.

Q. The reduction did not take place in the price of passage until what time? A. It may have been in 1871 and 1872; I believe some of those came in 1872.

Q. That was a special exception in the case of the Mennonites? A. It was made because they came in large quantities.

Q. As far as the general passage was concerned, it was not reduced until recently? A. It was reduced in 1872, I believe — the principal reduction.

By the CHAIRMAN:

Q. That reduction was caused by competition? A. Yes, sir.

Q. Not simply because of the reduction of head-money? A. No, sir.

By Mr. WAEHNER:

Q. Isn't it so that your reductions in the price of passage always are reduced in the way of $5 or $10; you do not go into any fractional sums less than $5? A. Not the regular price; but when 50 or so immigrants come together, they get a reduction sometimes of less sums.

By the CHAIRMAN:

Q. The same as railroads issue excursion tickets? A. Yes, sir; in the case of the Russian Mennonites, they came by reduced rates because they all came by 50 and 100 together.

By Mr. WAEHNER:

Q. Will you furnish to the committee the amount of money that was paid to Mr. Nolan, by your company, in 1871; did you pay him any in 1872? A. Yes, sir.

Q. Have you got a complete statement? A. I have made a complete statement, expecting you would want it; 1871 has not been added up separately, but there is 1871 and 1872.

[Witness produces a statement, which is put in evidence and marked Exhibit No. 3, August 11, 1875 — F. M. A.]

EXHIBIT No. 3.

HAMBURGH LINE.

Statement of checks drawn to the order of Michael Nolan.

1871.		No. of check.	Amount
May	31	10,359	$195 00
June	7	10,380	240 00
	16	10,408	186 00
	22	10,426	193 75
	29	10,456	152 00
August	4	10,546	126 75
	11	10,573	106 75
	19	10,601	89 50
	24	10,624	152 75
	31	10,648	115 00
Sept.	7	10,656	51 00
	8	10,673	134 75
	15	10,699	135 75
	20	10,722	113 00
	28	10,750	122 25
	27	10,735	51 25
October	5	10,785	218 50

1871.		No. of check.	Amount.
October	14	10,813	$112 00
	19	10,833	161 75
	27	10,858	349 75
Nov.	3	10,884	180 75
	11	10,907	160 50
	14	10,909	265 25
	16	10,929	170 00
Dec.	6	10,965	141 75
	8	10,986	109 75
	15	11,014	72 75
	28	11,037	51 25
1872.			
January	24	11,087	41 25
	16	11,074	26 00
February	1	11,112	30 75
	3	11,119	41 00
	19	11,158	83 25
	24	11,176	59 25
March	1	11,205	84 50
	11	11,229	102 25
	18	11,247	122 50
	26	11,273	200 25
	29	11,278	186 00
April	5	11,298	186 75
	11	11,319	186 50
	20	11,357	198 25
May	27	11,486	197 00
	28	11,499	216 00
June	7	11,548	197 75
	10	11,552	270 00
	12	11,555	182 75
	15	11,580	220 00
	21	11,607	152 00
May	21	11,465	1,367 75
June	28	11,626	147 25
July	5	11,645	173 50
	15	11,689	141 00
	19	11,703	176 00
	26	11,727	167 50
August	2	11,752	144 00
			$9,460 50

Following checks missing:

		No. of check.	Amount.
1871.			
April	29	10,276	$78 75
May	4	10,292	163 50
	10	10,314	184 75
	19	10,335	456 75
July	5	10,462	103 75
	19	10,508	157 25
	20	10,513	132 75
	26	10,539	166 75
1872.			
January	10	11,055	41 25
			$10,946 00
Cash payment, July 5, 1871			2 00
			$10,948 00

By the CHAIRMAN:

Q. That embraces the entire amount? A. That embraces the entire amount that we paid, the date of the payment and the amount of the check.

By Mr. WAEHNER:

Q. In all, you paid him about $10,948? A. Yes, sir.

Q. For 1871 and 1872? A. Yes, sir.

Q. I see that these payments run up as late as August 2, 1872; do you know whether any second arrangement was made with Mr. Nolan for legislative purposes in 1872 — whether you were again asked to go into this arrangement? A. Yes, sir.

Q. State under what circumstances that occurred? A. Very much the same as under the former contract; I believe, again, the same gentleman had made an agreement, and requested us to join.

Q. And you entered into that arrangement in 1872? A. Yes, sir; and it was first talked of that it should be made longer, and then it was made to cease the last of July; that payment the 2d of August is the date of the check; the immigrants arrived on the last of July.

Q. You never came in personal contact with Mr. Nolan yourself, did you? A. I was introduced to Mr. Nolan after the contract was signed; I have seen him several times; he has been several times to our office to get a check.

Q. Who introduced you to him? A. I think when he first came, he came with either a gentleman from Mr. Dale's office or Mr. Schwab's.

Q. Were you at any time advised or informed that Mr. Nolan possessed peculiar qualities for securing the passage of this bill for the steamship companies, or had special facilities? A. No, I don't think I was.

Q. Or particular influence with individuals who might be influential in turn in assisting him. A. No, sir; I don't think that I was.

Q. And you entered into this arrangement simply upon the faith and strength of Mr. Dale's arrangement? A. And Mr. Schwab's; when we first signed it, Mr. Dale had signed it, and I spoke about the compensation seeming rather large, and he said it might be necessary to stay a long time in Albany, and be constantly watching at Albany when the bill might be called up; and it might be necessary to write considerable in the newspapers about the desirability of it, and that it might injure the port of New York unless the head-money was reduced — and all those things would take money, and there would be, perhaps, a great deal of expense for the articles in the newspapers.

By the CHAIRMAN:

Q. Subsidizing the newspapers? A. It might be desirable to bring it before the people.

By Mr. WAEHNER:

Q. It was represented that the newspaper influence would have to be considered and consulted in relation to this matter? A. Yes, sir.

Q. Did you at any time, in the course of your business, come in contact with General Jones? A. Yes, sir, very often, as postmaster.

Q. Did you know that he was counsel to the commissioners of emigration? A. I knew that he was counsel for the commissioners of emigration before he was postmaster.

Q. Did you come in contact with General Jones during that period that he was counsel? A. I don't think that I did.

Q. You never had any conversation with him in relation to Mr. Nolan, did you, after he was postmaster? A. Only relating to post-office business.

By the CHAIRMAN:

Q. Was the arrangement, as you understood it, for the second year, that the agreement for the payment of this commission to Nolan should terminate on the last of July? A. Yes, sir.

Q. You understood that to be the arrangement? A. Yes, sir.

Q. Didn't you understand that Mr. Schwab and one or two other of the steamship companies refused to pay any more after the 1st of August — that they abruptly terminated it themselves — did you understand that? A. No, sir.

Q. Did you understand that Williams & Guion refused to pay any thing in the second year? A. No; I did not.

Q. Didn't understand that? A. On the contrary; this is the first time I ever heard it.

Q. Such is the fact; they would not pay any thing the second; Mr. Schwab tells us that he arbitrarily terminated paying on the 1st of August, and other agents the same way.

By Mr. WAEHNER:

Q. You stated a while ago that this arrangement was not to go into effect unless all agreed to pay 25 cents — to pay to whom; was there any mention to whom this money was to be paid or to whom it was to go, besides what you have stated — that somebody would have to be in Albany, and newspaper articles would have to be written? A. It was to be paid to Mr. Nolan.

Q. Have you any mode or means of ascertaining from an inspection of your books, or from any memorandums, as to the time that that contract was made, or any means at all of refreshing your memory on the subject?

The CHAIRMAN — I take it, the truth of it is from Mr. Kunhardt's statement; and take Mr. Nicholson and Dale together, they say they made the arrangement with Nolan the latter part of the year 1870, and that they signed the paper, and subsequently these gentlemen sent to the other steamship companies.

Mr. WAEHNER — He says it was early in January; I want to see whether it was before the passage of the resolution by the commissioners of emigration.

The WITNESS — Why I stated early in January was because it was right after the assembly in Albany met, and that we discussed the point of the expenses and so on, the whole time of the session in Albany, which might be necessary for somebody to be there; it could not have been in the latter part of the session; but I will see if I can find some paper.

Mr. WAEHNER — Try and let us know.

By the CHAIRMAN:

Q. Your statement would indicate that the talk was before the legislature met, if a man was to be there the entire time during the entire session? A. It might be the last days, as I said before, it might be the last days of December or the first of January; my opinion was it was the first days of January.

By Mr. WAEHNER:

Q. Would you be kind enough to exhibit to the committee, if you have them in your possession, the checks which you gave to Mr. Nolan; we only want to look at them, and will return them? A. I will have to look them up.

Q. Be kind enough to look them up and let us have them to-morrow morning? A. Certainly; but in that memorandum is the date of each check.

Mr. WAEHNER — We desire to look at the checks and inspect them, and see any indorsements or any thing of that sort; we will return them immediately with your messenger.

William Coverly called and sworn.

Q. You are the agent of the Anchor line? A. A member of the firm of Henderson Brothers.

Q. How long have you been such? A. Since the 1st of January, 1873.

Q. Did you act in any capacity in the line prior to 1873? A. Yes, sir.

Q. Did you know of any arrangement or transaction with any person in 1870, or 1871, in relation to the reduction of head-money, or procuring it to be reduced by the legislature? A. I know there was an agreement entered into.

Q. Did you sign that in behalf of the company? A. I did not sign it.

Q. Have you the means of fixing the date when it was signed? A. No; that we cannot fix; I believe it was in 1871, as near as we can recollect.

Q. Was it late in the year 1871, or early in the year? A. I could not say positively; there was no record kept of it.

Q. Were you spoken to by any person in 1870, or 1871, as to having your line go into this arrangement? A. Mr. Dale had spoken to us about it.

Q. Did he speak to *you* about it? A. No, sir.

Q. Who do you say made this arrangement at that time, in relation to that in behalf of your line? A. We don't know which of the firm signed it.

Q. Are the same members of the firm now there, that were there in 1871? A. There is only one now there that was there in 1871.

Q. Who is that gentleman? A. Mr. McDonald.

Q. Have you a statement prepared showing the amount of money which was paid in 1871, for this matter? A. I have; we paid for one year only; from the 1st of May, 1871, to the 30th of April, 1872.

[Witness produces a statement of money paid, which is put in evidence and marked "Exhibit No. 4, of August 11, 1875 — F. M. A."

EXHIBIT No. 4

Anchor Line.

Statement of moneys paid Michael Nolan from May 1st, 1871, to April 30th, 1872.

1871.						
May	4.	S. S. India,	624	passengers at 25 cts....		$156 00
May	4.	do Europa,	526	do	....	131 50
May	8.	do Columbia,	528	do	....	132 00
May	8.	do Caledonia,	568	do	....	142 00
May	16.	do Sidonian,	168	do	....	42 00
May	16.	do Anglia	676	do	....	169 00
May	31.	do Assyria,	508	do	....	127 00
May	31.	do Australia,	639	do	....	159 75
May	31.	do Dacian,	304	do	....	76 00
June	6.	do Europa,	608	do	....	152 00
June	6.	do Brittania,	463	do	....	115 75
June	6.	do Iowa,	670	do	....	167 50
June	24.	do Alexandria,	452	do	....	113 00
June	24.	do India,	533	do	....	133 25
June	24.	do Ismailia,	11	do	....	2 75
June	24.	do Caledonia,	479	do	....	119 75
June	24.	do Columbia,	540	do	....	135 00
June	24.	do Dorian,	46	do	....	11 50
June	24.	do Anglia,	465	do	....	116 25
June	30.	do Australia,	359	do	....	89 75
June	30.	do Assyria,	360	do	....	90 00
July	13.	do Tyrian,	55	do	....	13 75
July	13.	do Sidonian,	270	do	....	67 50
July	13.	do Brittania,	400	do	....	100 00
July	20.	do Iowa,	396	do	....	99 00
July	20.	do Europa,	235	do	....	58 75
July	26.	do Ismailia,	187	do	....	46 75
July	26.	do India,	243	do	....	60 75
July	29.	do Caledonia,	237	do	....	59 25
August	8.	do Anglia,	389	do	....	97 25
August	8.	do Columbia,	256	do	....	64 00
August	12.	do Australia,	220	do	....	55 00
August	12.	do Assyria,	172	do	....	43 00
August	26.	do Brittania,	331	do	....	82 75
August	31.	do Iowa,	130	do	....	32 50
Sept.	7.	do India,	460	do	...	115 00

Sept.	14.	S. S. Dorian,	39	passengers at 25 cts....		$9 75
Sept.	14.	do Caledonia,	207	do	....	51 75
Sept.	15.	do Columbia,	279	do	....	69 75
Sept.	15.	do Europa,	346	do	....	86 50
Sept.	21.	do Anglia,	446	do	....	111 50
Sept.	27.	do Tyrian,	16	do	....	4 00
Sept.	27.	do Ismailia,	3	do	....	75
Sept.	27.	do Australia,	362	do	....	90 50
Sept.	27.	do Assyria,	193	do	....	48 25
Oct.	11.	do Europa,	177	do	....	44 25
Oct.	11.	do Brittania,	441	do	....	110 25
Oct.	18.	do Iowa,	239	do	....	59 75
Oct.	23.	do Caledonia,	334	do	....	83 50
Oct.	23.	do Anglia,	327	do	....	81 75
Nov.	7.	do Acadia,	45	do	....	11 25
Nov.	7.	do Columbia,	460	do	....	115 00
Nov.	7.	do Sidonian,	7	do	...	1 75
Nov.	15.	do Australia,	210	do	....	52 50
Nov.	15.	do Trinacria,	148	do	....	37 00
Nov.	15.	do Europa,	302	do	....	75 50
Nov.	23.	do India,	266	do	....	66 50
Nov.	23.	do Dacian,	10	do	....	2 50
Dec.	1.	do Brittania,	156	do	....	39 00
Dec.	1.	do Iowa,	118	do	....	29 50
Dec.	9.	do Dorian,	7	do	....	1 75
Dec.	9.	do Anglia,	308	do	....	77 00
Dec.	15.	do Columbia,	161	do	....	40 25
Dec.	15.	do Trojan,	5	do	....	1 25
Dec.	23.	do Tyrian,	12	do	....	3 00
Dec.	23.	do Australia,	190	do	....	45 50
1872.						
Jan.	6.	do Europa,	183	do	....	45 75
Jan.	9.	do India,	92	do	....	23 00
Jan.	27.	do Anglia,	49	do	....	12 25
Jan.	27.	do Brittania,	86	do	....	21 50
Feb.	3.	do Columbia,	40	do	....	10 00
Feb.	3.	do Assyria,	9	do	....	2 25
Feb.	3.	do Australia,	74	do	....	18 50
Feb.	13.	do Alexandria,	26	do	....	6 50
Feb.	13.	do Europa,	80	do	....	22 25
Feb.	24.	do Dacian,	11	do	....	2 75
Feb.	24.	do Anglia,	81	do	....	25 25
Feb.	29.	do Trinacria,	130	do	....	32 50

March	8.	S. S. Sidonian,	7	passengers at 25 cts....		$1 75
March	8.	do Brittania,	74	do	....	18 50
March	14.	do Australia,	146	do	....	41 50
March	30.	do India,	3	do	....	75
March	30.	do Tyrian,	56	do	....	14 00
March	30.	do Europa,	251	do	....	62 75
March	30.	do Dorian,	38	do	....	9 50
March	30.	do Anglia,	465	do	....	116 25
March	30.	do Columbia,	16	do	....	4 00
April	6.	do Iowa,	232	do	....	58 00
April	6.	do Trinacria,	413	do	....	103 25
April	6.	do Ismailia,	57	do	....	14 25
April	6.	do Australia,	444	do	....	111 00
						$5,608 50

Q. Then you ceased paying? A. We ceased paying, and refused to pay any more.

Q. Under what circumstances did you refuse to pay; who asked you to pay? A. We paid according to the agreement we entered into, and we refused to enter into another.

Q. Were you solicited by anybody? A. We were solicited to continue it.

Q. Who asked you to continue it? A. That I cannot say.

Q. Could you produce the checks paid by your company for this purpose, for the instruction of the committee? A. That is very doubtful, because we only keep the checks for a certain time and destroy them; we keep them about two years.

Q. Will you make a search to ascertain? A. Yes, sir; and if we have them, we will be pleased to hand them to you.

Q. Were you cognizant that any arrangements, or were you informed that any arrangements, had been made in 1872, in relation to the legislature? A. We did not enter into any arrangement.

Q. Did you in 1873? A. Not if I remember.

Q. In 1874? A. I think not.

Q. Or this year? A. There was a little this year.

Q. How much was paid by your company this year? A. It was a very small sum — a nominal sum; just the counsel fees.

Q. Who was the person? A. It was no such arrangement as that.

Q. Who was the person that was retained this year in the interests of the steamship companies? A. That was arranged by Mr. Dale and Mr. Hurst, I think, or Mr. Dale and Mr. Schwab.

Q. Do you know whether your company paid any thing in 1872, 1873 and 1874? A. I don't think we have paid any thing since that until this year.

Q. If you will look over your checks and ascertain, we would like to have the amount, and to what persons? A. I will do so. I am pretty certain we have paid nothing since that.

Daniel Casserly, being duly sworn, testifies as follows:

The WITNESS — Before giving my testimony, I should like, with your permission, to make a brief explanation; I find in the *Tribune* of this morning a paragraph, which is substantially the same in all the papers, to the effect "that the sergeant-at-arms has had in his possession, since the adjournment, said Mr. Waehner's subpœnaes for Daniel Casserly, Bernard Casserly and Patrick H. Jones; he has called at their offices and residences at various hours of the day and night; the most extraordinary amount of ignorance is displayed by persons in their offices and by members of their families, as to the places where they are at present; and adjournment was had until to-day at 10:30 A. M.;" that would convey the impression that I had been trying to evade the service of a subpœna; I desire to state that the sergeant-at-arms, and that no messenger, has called at my house at all, to my knowledge; and, as I am informed, he has called at the office about four or five times; the moment that I heard of his calling I wrote to you, Mr. Chairman, a letter, notifying you that I would come down at any time that I was called for; I simply desired to state that.

Mr. WAEHNER — There were other persons called at your office; two clerks from my office called at your office repeatedly.

The WITNESS — Not to my knowledge; I was not informed of it; the letter I wrote to the chairman was dated July 26.

The CHAIRMAN — Yes, sir; that letter was here, and if I had been here yesterday I should have produced it.

By Mr. WAEHNER:

Q. You are a member of the firm of Rudd & Casserly, are you not? A. Yes, sir.

Q. How long have you been such? A. It is not exactly a partnership; that is to say, we have many affairs in common, and at the same time we transact our individual business.

Q. When did you first commence? A. I think it was in 1868; I am not sure.

Q. That you first became connected with Mr. Rudd in legal business? A. I think so; but as to that I would not be positive.

Q. You are a brother of Bernard Casserly, I believe, who was formerly superintendent of the commission of emigration? A. Yes, sir.

Q. Were you retained in any capacity in the interest of the steamship companies in the year 1870? A. No, sir.

Q. In 1871? A. No, sir.

Q. In 1872? A. No, sir.

Q. In 1873? A. Yes, sir.

Q. State what your employment was, and by whom it was made, and when? A. Some time in January, of 1873, I was sent for by one of the steamship agents, I think Mr. Hurst, and desired to prepare a statement of their position in regard to the increase of head-money; I went to work and analyzed the entire law on the subject, and also all the reports of the commissioners from 1847 or 1848 up to that date; I drafted a memorial which was presented before the committee on commerce and navigation that year of the senate, and afterward printed, and copies of it sent to every member of the senate.

Q. Was that your only employment that year? A. That was, sir.

Q. By the steamship companies? A. Yes, sir.

Q. In what manner did you become acquainted with Mr. Hurst? A. Well, I had met Mr. Hurst before; I don't really remember.

Q. Had you done any business for Mr. Hurst prior to that time? A. I had not.

Q. You had met him, however? Q. I think so; I shall not be sure; I was employed here myself some years.

Q. Employed in the committee of emigration; in what capacity were you employed here?

A. A large part of my occupation was correcting the bad grammar of the commissioners; I was a sort of literary clerk here; you see some of them were foreigners and they did't understand the vernacular exactly; besides that, I drafted most of the reports and resolutions; I drafted for example, the correspondence with the British commissioner of emigration; I drafted a large part of the proposed international convention, between this country and the North German government.

Q. Were you here at a salaried position? A. I was, sir.

Q. Up to what time did you remain here? A. It think up to 1870

Q. How long had you been here in that capacity? A. About four years.

Q. Can you state positively, whether during the time that you were here, you met with Mr. Hurst or came in contact with him? A. I cannot, sir.

Q. Do you know who introduced you to Mr. Hurst, or in what manner you became acquainted with him? A. I do not.

Q. You were here at the same time that your brother Bernard was here as superintendent? A. Yes, sir.

Q. Isn't it probable that you were perhaps introduced to Mr. Hurst by Mr. Bernard Casserly? A. Quite likely.

Q. In 1873, was Bernard Casserly interested in your business in any

way? A. No, sir; except that being retained, I naturally consulted him as being the man in the State of New York that had the most practical experience in this business.

Q. What time did this retainer take place in 1873? A. In the latter part of January, the exact date I cannot tell, but it was toward the end of the month; it was just subsequent to the introduction of a bill increasing head-money, I think.

Q. And you consulted Mr. Bernard Casserly in relation to the memorial that you prepared in behalf of the steamship companies? A. I did.

Q. And he furnished you, to some extent at least, with arguments in opposition to the increase of head-money? A. Well, he rather furnished me with facts and statistics, than argument; the argument was substantially my own.

Q. Was he not at that time connected with the commission of emigration? A. He was not.

Q. Do you know when he ceased to be connected? A. I think in 1872.

Mr. JACKSON — May 1873; this board came in, May 1873.

Q. But the fact is, he furnished you at that time, when you prepared the memorial, with the facts and statistics wherewith you prepared the same? A. No, sir, I didn't say that; I said that he furnished me with some facts and statistics; the statistics for the most part I compiled myself; the work was altogether mine; the sole assistance he gave me was in furnishing the facts from his past experience; he was always opposed, I should say, to this increase of head-money; he was in favor of its reduction and opposed its increase.

Q. Don't you know that he appeared at one time before the legislature? A. He did, sir, because he was here in a subordinate capacity, and had to obey the will of the commissioners; he was there as their executive officers, and had to follow their directions.

Q. But you think his own convictions always were that he was opposed to an increase of head-money? A. I was always so assured by him.

Q. What arrangements did you have with Mr. Hurst; did Mr. Hurst act for all the steamship companies that year, or was it only with relation to certain of them? A. I think there were 14 steamship companies interested that year, if I do not mistake.

Q. All the larger lines, I suppose? A. Yes, sir.

Q. Will you state what this arrangement was that you made with Mr. Hurst? A. The arrangement was that I should prepare this argument and receive a certain sum for it.

Q. Will you state what the nature of that compensation was, and what you was to be paid? A. The amount was an ordinary legal fee;

I decline to state what the amount was, because I consider it a personal affair between myself and my employer.

Q. Was there any arrangement made between you and Mr. Hurst, that you were to receive any *per capita*? A. No, sir; a round sum.

By the CHAIRMAN:

Q. In no wise contingent? A. It was contingent in this way; that in the event of success, I was to receive a larger sum; I was to have a certain sum in any event, and a larger sum in case of success.

Q. The sum that you was to receive absolutely, or the sum contingently, you decline to name? A. I do, sir; it was not a very large amount.

By Mr. WAEHNER:

Q. Did you do any thing else in 1873, for the steamship companies in pursuance of that retainer, except draft these memorials? A. No, sir.

Q. Did you go to Albany to argue? A. I went to Albany not to argue.

Q. What did you do at Albany in pursuance of that retainer? A. Mr. Wakeman was employed as counsel and went up with the committee of the steamship companies, consisting of Mr. Hurst, Mr. Dale and Mr Schwab; the memorial which I had prepared was not then copied out; I had to prepare it in great haste; I took it up with me and had it copied out there; I also on the way up, if I remember rightly, gave Mr. Wakeman some statistics; whether he used them or not, I don't know.

Q. Well, you were retained as counsel for the steamship companies, and Mr. Wakeman also? A. I didn't regard it as being employed as counsel, exactly, I suppose my employment was more in the capacity of attorney, that year; I was employed as counsel in 1874.

Q. You made the argument in 1874, before the committee? A. I prepared an argument which Mr. Rudd, my partner, delivered.

The CHAIRMAN — In 1873, I suppose, Mr. Casserly means he was simply employed to prepare certain statistics.

The WITNESS — Yes, sir.

Mr. WAEHNER — And Mr. Wakeman was to argue upon them?

The WITNESS — Yes, sir; I don't know that he made use of my statistics.

By Mr. WAEHNER:

Q. Did you remain any length of time in Albany in 1873, in pursuance of this retainer? A. I don't think I did; I don't think I remained there more than two days; I may have gone up again; I am not positive about it.

Q. Did your partner accompany you, in 1873, to Albany? A. He had nothing whatever to do with it in 1873.

Q. Did you see Mr. Bernard Casserly in Albany in 1873? A. I really don't remember; I may have seen him; I think he was there.

Q. Were you present at the time of the hearing of this matter before the committee, when Mr. Wakeman made the argument? A. Yes, sir.

Q. Was Mr. Bernard Casserly there at that time? A. I think he was.

Q. Do you know whether Mr. Bernard Casserly had been in Albany any length of time in that year? A. He had not, sir.

Q. Do you know about what time the first hearing before the committee took place, and what month? A. I think it was about the middle of February.

Q. In what capacity did Mr. Bernard Casserly appear before that committee, or act in Albany that year? A. So far as I can understand, as an auditor, part of the audience.

Q. He did not represent the commissioners of emigration there? A. To the best of my knowledge and believe, he represented nobody; he appeared in no official or representative capacity at all.

By the CHAIRMAN:

Q. I think he was looking to the reorganization of the board, wasn't he; that session of 1873 was the time the board was reorganized? A. I don't know; I am not my brother's keeper, you know; I cannot say what he was doing; the law was passed in the early part of the session.

By Mr. WAEHNER:

Q. At the time Mr. Bernard Casserly was there this bill that related to the reorganization of the board had not passed, had it? A. I think it had, sir; I am very strongly of the impression that it had.

The CHAIRMAN — I think not; I think that did not pass until the close of the session.

The WITNESS — Most of these bills generally do pass at the close of the session.

Q. Do you know whether Mr. Casserly concerned himself that year in relation to this matter in which you were retained? A. I don't think he did.

Q. Any conversation with the members of the assembly or legislators? A. He certainly told me nothing about it.

Q. Whilst you were up there, didn't you consult and advise with him about the business that you had then on hand? A. I think the entire conversation I had with him on the subject was done in New York.

Q. And you did not speak to him in Albany in relation to this matter at all? A. I may have done so, but, if so, it didn't amount to more than two sentences; nothing in the nature of a consultation whatever.

Q. Did he introduce you to any of the members of the committee, or any of the members of the assembly? A. No, sir.

Q. In 1871 you were again retained, you say, by the steamship companies? A. In 1874 this same bill was again introduced in the assembly; I was sent for to attend a meeting of the steamship companies.

Q. Who sent for you? A. Mr. Sandford, the secretary, I believe; I attended, I think, two of those meetings, and the matter of opposing this increase was discussed, and finally I was retained as counsel.

Q. Were you present at the meetings at which you were retained as counsel? A. I was present at it; the question was raised by one of the agents and I withdrew, and it was settled in my absence.

Q. And I suppose a regular resolution was adopted at that meeting, employing you as counsel for the steamship companies? A. I don't know how that is; I don't know what their manner of arranging their business is; I only know that I received a retainer; I should say they appointed a committee consisting, I should think, of Mr. Dale and Mr. Cortis; I may be mistaken about that, but that is my impression.

Q. Do you know whether Mr. Sandford was present at that meeting? A. I think it is likely, as he was their secretary.

Q. Was this a meeting of the conference, known as the North American Steamship Conference? A. No; members of the conference were there, but there were also members of the German line, which were not, as I understand, included in the conference.

Q. In pursuance of that retainer, what did you do? A. I prepared the argument; I did a good deal of work for it; there is no branch of the state law, to my notion, so intricate, and confusing, and contradictory as the emigration law, and anybody who gets a retainer on that earns his money; I prepared that argument which Mr. Rudd delivered, the substantial part of it; I also prepared a second memorial, which was served upon the members of the assembly.

Q. Is that all that you did in pursuance of that retainer that year? A. That was all.

Q. Did not Mr. Rudd prepare any part of this argument? A. Well, the argument was mainly prepared by me; we consulted about it, as he was to deliver it; I thought he was more out of it than I was, and probably would make a better impression.

Q. Was Mr. Rudd peculiarly fitted — had he more knowledge of this emigration matter than you, or was you the best informed of the

two in relation to it? A. I think I was; I know I was; I gave the points, be delivered them.

Q. But he didn't take any part in the preparation of either of these memorials, did he? A. Well, Mr. Waehner, you are a lawyer, and you know when one lawyer retains another —

Q. I am only asking you a question, that is all; whether Mr. Rudd took any part in the preparation of these memorials? A. He took such part as a barrister would take in mastering a brief given to him by his attorney — that was precisely his capacity.

Q. You received a certain retainer that year from the steamship companies, did you? A. I did.

Q. Will you state how much that was? A. I will not; I decline.

Q. Did you and Mr. Rudd have any arrangement in relation to the division of this retainer which you received? A. No, sir; I asked him what he would charge to deliver this argument; he told me, and I paid him.

Q. Will you state how much that was? A. With all due respect, I decline to state.

Q. We have it already? A. Well, if he chooses to divulge his private affairs, that is different; I shan't.

Q. You didn't go to Albany in 1874, at all? A. I did, sir; several times.

Q. You didn't go in relation to this business? A. I did.

Q. Did you, whilst in Albany, make any argument, in addition to the argument made by Mr. Rudd, to any committee of the legislature?

A. Not to any committee; no, sir; except the argument which I have already spoken of, the memorial, or rather entitled, "Reasons why the head-money should not be increased."

Q. How long were you in Albany during that winter? A. I went there many times; I don't know exactly how many, and I stayed on an average two or three days each time.

Q. Whilst there, did you converse with members of the legislature in relation to this matter? A. The extent of my conversation, so far as I can remember, was asking the chairman of the committee how the bill stood, and what was the chance of any other argument being heard on it.

Q. Who was the chairman of the committee that year? A. Mr. Oakley.

Q. In 1874? A. In 1874.

Mr. JACKSON — Eighteen hundred and seventy-five.

The WITNESS — By the way, allow me to make a correction; I have got the years mixed up; it was 1874 I was first employed, and in 1875; I was not employed in 1873 at all; I was perfectly positive that my brother had not long had any connection with Castle Garden at the

time I was employed; I was not employed in 1873 at all, only in 1874 and 1875; Mr. Wakeman, I believe, was employed in 1873, and afterward also in 1874; but in 1873 I had no connection with it; my first connection was in 1874.

Q. Did Mr. Bernard Casserly have any share or interest in this retainer that you received in 1874, in the steamship companies? A. No, sir; I will state at once that he has never been employed in any capacity by the steamship companies to my knowledge.

Q. The steamship companies had as their counsel, in 1873, Mr. Wakeman? A. Yes, sir.

Q. And he succeeded in defeating the passage of the bill? A. Yes, sir, I believe he did.

Q. Do you know of any reason why the steamship companies employed you in addition to Mr. Wakeman, in 1875? A. I really don't know, except they thought I knew something about it.

Q. Wasn't that employment made for the purpose of conciliating or securing the services of Mr. Bernard Casserly? A. Really, Mr. Waehner, I cannot go into their motives.

Q. I ask you whether you know any thing about the matter? A. Certainly I do not.

Q. Were you not introduced to these steamship companies, and was not this employment brought about by Mr. Bernard Casserly, of yourself as counsel? A. I think it is quite probable; I don't know.

Q. Also in 1875, this year? A. No; most decidedly not.

Q. But in 1874 you think it likely? A. I think it possible.

Q. That your employment was brought about through the influence of Mr. Bernard Casserly? A. Well, no, not through his influence.

Q. Well through his efforts? A. No, not through his efforts; if the employment was brought about through his agency at all, it was at the solicitation of the steamship companies, not at his; I say "if"; I don't know whether it was or not.

Q. I asked the question whether or not you was not employed at the suggestion or through the influence or efforts of Mr. Bernard Casserly, in 1874? A. Possibly at the suggestion, not through the influence.

Q. Do you know whether it was at the suggestion of Mr. Bernard Casserly that you were employed or not? A. I cannot say.

Q. Do you know whether Mr. Casserly had spoken to Mr. Hurst, prior to the time you were sent for at this meeting? A. I think it is very likely.

Q. Did Mr. Bernard Casserly, at any time, tell you that he had secured your employment as counsel for the steamship companies? A. No, he never did, because I was not employed as counsel for the steamship companies except in 1875.

Q. Well, as attorney in 1874, the preparation of this memorial? A.

I think I have answered that question pretty thoroughly, two or three times; I say I think it is very probable it was at his suggestion that Mr. Hurst sent for me in 1874.

Q. Now I ask you the question, whether Mr Bernard Casserly did not tell you that? A. I don't remember; suppose he did, what harm is there?

Q. No harm about it of course; what I want is the fact? A. The fact I can't give you, for I don't know.

Q. Now, this year you say you were also employed, and you went to Albany in pursuance of this employment as counsel for the steamship companies? A. I did, sir.

Q. Was Mr. Wakeman also employed? A. He was not, to my knowledge.

Q. Were you the sole one? A. I stipulated that I should be the sole counsel; I presume that stipulation was kept.

Q. Did you prepare any of the questions that were submitted by the committee on commerce and navigation, to the commissioners of emigration this year? A. I did not.

Q. Do you know who did? A. I do not.

Q. Did Mr. Bernard Casserly at any time tell you that he had prepared the questions? A. He did not.

Q. Mr. Bernard Casserly was about Albany this winter considerably, was he not? A. I think I have seen him there.

Q. Did he make any argument or appear in opposition to the bill increasing the head-money? A. He made some remarks before the committee on commerce and navigation; he had a very bitter personal feeling against the present commissioners.

Q. And you think it was only his personal feeling that impelled him this year to act in opposition to the increase of the head-money? A. Partly that, and partly also a desire to help me.

Q. Now, was his service in appearing before the committee and making this statement, entirely gratuitous, or did he have any share in the retainer that you had, either immediate or prospective? A. No, sir.

Q. You have no business relationship with Mr. Bernard Casserly at all, have you? A. None whatever.

Q. He has an office with you, I believe? A. He has a sign there; it is convenient for him to have his letters sent there.

Q. He is not a lawyer, is he? A. He is not.

By Mr. ALVORD:

Q. Were your exertions in 1874 and 1875, entirely confined to the drafting of your memorials and to your arguments before the committee? A. I think so; yes, sir, that is all I did.

Q. No conversation or argument with any member of the legislature either in the senate or assembly? A. In 1874, Senator Ganson wrote to me; he took a very great interest in opposition to the bill, and I think it was mainly owing to his argument that the bill was defeated; he sent to me asking for certain facts in regard to the extravagance of certain commissioners, which I sent him; that is the extent of it.

Q. Other than that, you undertook by no means to make of yourself, as counsel or attorney, a lobbyist in lobbying any thing? A. Not by any means.

Q. Who was the chairman of the committee of commerce and navigation, in the senate? A. I think Senator King.

Q. And you did not appear before the committee on commerce and navigation, in the house, in 1874, at all? A. Except I was there once at Mr. Wakeman's argument.

Q. Who was chairman of the committee in 1874, in the house? A. The bill was entirely confined to the senate.

By Mr. WAEHNER:

Q. Wasn't there a joint meeting of the senate committee and the assembly committee? A. Yes, sir; it was a joint committee.

Q. At which this argument was made? A. Yes, sir.

Q. Held one night in the senate chamber? A. Yes, sir; there were two or three meetings; I think one meeting the latter part of February, and one toward the middle.

By Mr. ALVORD:

Q. Who was the chairman of the committee on commerce and navigation in 1874, in the house? A. I don't know; I knew Mr. George C. Bennett was a member of it, and Mr. Bigelow.

By Mr. WAEHNER:

Q. He was at that time connected with this commission? A. I think so.

Q. Do you know whether he was in favor or opposed to the increase of head-money? A. I understood he was in favor of the increase.

By Mr. ALVORD:

Q. Did you know any thing about the original operation in 1871, of the reduction of the head-money? A. The first thing I ever heard about it was what I saw in the newspapers, I think, as late as 1873 or 1874.

Q. Then you were entirely ignorant of it? A. Entirely ignorant of the whole matter, except what has come out in this investigation.

Q. I think you said you made a mistake, originally, in naming your original retainer in 1873? A. My first connection with the matter was in 1874; in 1873 I didn't have any thing to do with it, and my brother's connection with Castle Garden ceased in 1873.

By Mr. GEDNEY:

Q. You spoke of Senator Ganson writing to you for some statistics? A. Yes, sir.

Q. And your answer related to the present commission; you meant the then commission? A. This commission now existing.

Q. What year was that? A. 1874.

Q. The winter of 1874? A. This board went into office in May or June, 1873.

The committee then adjourned to meet at Castle Garden, August 12, at 10:30 A. M.

NEW YORK, *August* 12, 1875.

The committee met pursuant to adjournment.

Present — Hon. Jeremiah McGuire, Chairman; Messrs. Waehner, Alvord, Vosburgh and Schuyler.

Dennis Burns called and sworn.

By Mr. WAEHNER:

Q. You were a member of the legislature in 1871, were you not? A. Yes, sir.

Q. And you recollect the presentation of a certain bill providing for the reduction of head-money during the session of that year; do you not? A. There was such a bill.

Q. Will you state what you did in relation to that? A. Yes, sir; some person, whom I cannot name now from recollection, said to me, this way, "Denny, there is a bill you ought to favor;" and he said it was a bill to reduce the head-money, and by that means it would reduce the passage-money of emigrants; I said, "I am in favor of that; where is it?" he said it was reading, and I asked unanimous consent to have it passed; that is all I know of it.

Q. Do you know the name of that person? A. No; I have been trying to recollect three or four days, and I have an impression, but I would not like to swear positively.

Q. Was he a member of the legislature? A. Yes, sir; I am satisfied it was a member.

Q. Was it not Mr. Frear? A. I would not swear that it was, and I would not swear that it was not; I am not positive as to who it was.

Q. Do you recollect that Mr. Frear introduced that bill? A. No; I don't recollect who introduced it.

Q. And the first information you say you had in relation to that bill was some person coming to you in the house? A. In the house; right at my side; I was talking with a friend, and he came to me and said, "Denny, you ought to favor that bill."

Q. Had you ever received any information prior to that time that a bill of that kind was in contemplation of being introduced? A. No, sir; I knew nothing of it until that time.

Q. Had you ever spoken with Mr. Frear in relation to this matter of the reduction of head-money prior to that? A. I did not know any thing about it until the presentation of the bill.

Q. Did you know at the time of the introduction of that bill that the commission of emigration had passed a resolution providing for a reduction of head-money? A. No, sir; I did not; if I did know of it, I do not recollect of it now; I do not think I ever did.

Q. Did you ever have any conversation with Michael Nolan in relation to it? A. I never knew him, and never saw him until 1873.

Q. Did you ever have any conversation with any person in the legislature, or outside of the legislature, in relation to that bill, prior to the time that you have mentioned that you had this conversation? A. Since the committee has been in session I have spoken to several people, and tried to ascertain some particulars about it.

Q. I mean prior to the time of its introduction? A. No, sir.

Q. Were you familiar with the provisions of the bill — was the bill read through? A. No, sir; the title was read, and some one told me it was a reduction of head-money, and would reduce passage-money, and I made a remark that I wished the passage was reduced to one pound and increased, going back, to one hundred; that is the expression I used; I never saw Nolan until 1873; he came before a committee, of which I was a member, and asked the committee to report a bill to give a man of the name of Inman the privilege of holding and conveying real estate the same as an American citizen, which he did not get, I am pleased to say.

Q. Did you have any conversation with Mr. Husted, who was at that time a member of the assembly, in relation to this bill? A. I think not; I don't recollect conversing with him.

Q. Did you at any time hear of any rumors in Albany, or in this city, that money had been used to secure the passage of that bill in the legislature? A. Only since this committee was in session.

Q. And did you at any time hear any rumors that money had been used in the commission of emigration to induce the commission to adopt a resolution providing for the reduction of head-money? A. No, sir.

Q. Or that any person connected with the commission of emigration was instrumental in bringing the commissioners to this resolution? A. I never knew any thing about it.

Q. Do you know of any person who was at Albany during the winter of 1871, who had any particular interest in this bill? A. No, sir; I don't recollect anybody; I never knew Nolan until 1873, and I don't know anybody else; I don't recollect any thing, except what I have just stated to you.

By Mr. ALVORD:

Q. Were you talking about this bill before its introduction — at the time that you have spoken of? A. Somebody said, "Denny, there is a bill you ought to favor;" and I said, "What is it?" and he said, "It is to reduce the head-money on immigrants, and by that means to reduce the passage-money;" and I said, "I am in favor of it."

Q. That conversation must have been before its introduction? A. Just about the time; I think the clerk was reading it; I think so, but I am not positive.

Q. And you got up and moved it? A. I asked unanimous consent, and got it, provided the bill was as I was informed, to reduce the head-money and lower the immigrants' passage.

By Mr. SCHUYLER:

Q. Did you at that time know that a resolution had been passed by the commission of emigration? A. No, sir; nothing further than I have just stated now.

By Mr. WAEHNER:

Q. After this bill had passed in the assembly, were you spoken to by any person in relation to it? A. No, sir; not a word.

Q. Did this person who suggested to you the moving of it to a third reading, at any time speak to you afterward in relation to it? A. No, sir; I don't recollect who it was; I have an idea who the person was, but I would not like to swear positively.

Q. Give us your idea? A. I think Frear was the one who asked me; Frear or some one alongside of me; I would not be positive.

Q. Was Frear seated in your neighborhood? A. No, sir; my impression is he sent somebody that was alongside of me, and I think the person that was sent said that Frear said that it was a bill that I ought to favor; my impression is that way, but I would not like to swear positively about it.

Q. Did you have any conversation with Frear after the passage of the bill, in relation to it? A. No, sir; I asked if the bill read in that

direction, and some one said yes, and I asked unanimous consent, and it was passed.

By Mr. VOSBURGH:

Q. Isn't it rather an unusual circumstance to have unanimous consent where the provisions of the bill had not been explained? A. No, he explained it; I wanted to know if the contents of the bill was as I had been informed.

Q. You asked that question? A. Yes, sir; my impression is the bill was read through; my impression is that it was read on its first reading to get the different provisions of it; that is my impression; I wanted to know the contents of the bill; if the bill was as reported to me, I did not know a man in the house but would favor it.

By Mr. ALVORD:

Q. The picture was held out to you, I understand, that the reduction of the head-money would inure to the benefit of the immigrants, by the reduction of the cost of the passage-money? A. That is exactly it, sir.

Q. And that was the motive which actuated you in going for the bill? A. Yes, sir; I even said I was an immigrant myself, and they used to make a good deal of fun of my saying it.

Patrick H. Jones, called and sworn:

By Mr. WAEHNER:

Q. You were at one time counsel to the commissioners of emigration were you not? A. Yes, sir; I commenced in 1867, I think.

Q. And you continued in that capacity until what time? A. I see there has been some confusion here about that; I resigned some time — several months, I think — before my resignation was accepted, but at what time, I suppose the records will show here, and also my letter will show; it was addressed to the president at the time, Mr. Verplank or Mr. O'Gorman.

Q. You addressed your resignation to Mr. O'Gorman? A. Either to Mr. O'Gorman or Mr. Verplank, whoever happened to be president of the board at that time; I think it was Mr. Verplank.

Q. And that was several months before it was accepted? A. Yes, sir.

Q. How many months do you think it was? A. I don't know; nearly every one of the commissioners came to me and remonstrated against my going out, but I was then postmaster, and I insisted upon their accepting my resignation, some time in 1870 or 1871.

Q. What time were you appointed postmaster? A. I was appointed in July, 1869, immediately on the commencement of General Grant's first administration.

Q. But up to the time that your resignation was accepted by the commissioners, you still acted as their counsel, did you not. A. I very often advised them, perhaps, but the business was done by the firm to whom I gave my name — Nolan or Palmer, or whoever it might be; I gave them the use of my name and let them do the business, and they took the salary.

Q. I think there was some statement here before the committee, of some bill sent in to the assembly and receipted here? A. I have no doubt I receipted any thing that I sent off; and I presume I drew the salary up to the time they accepted my resignation; I have no doubt I did.

Q. How long have you been acquainted with Michael Nolan? A. I met him in 1864, I think, when Sherman's army was acting before Atlanta; he was on the staff of Gen. Geary, and I came in contact with him in that way; I have known him since; he came to me at Albany, when I was clerk at the court of appeals, and was my court clerk there, and then came down here as managing clerk when I was with Rice, Wilson & Jones, and then when I went to the post office that firm was broken up, and he asked me for the use of my name, and I thought it might be of some service to him, and I gave it to him; I never got any thing from the office; I paid the rent of the office; at all events, I became responsible for it, and bought the library and everything of that kind, and set him up.

Q. Were you not an active partner of his at any time? A. No; I never was an active partner of his, because I was engaged in official pursuits.

Q. During the time you were counsel to the commission of emigration, Mr. Nolan attended to the business of that commission, did he not? A. Yes, sir; except when an opinion had to be written or something of that kind, I wrote it; the business of the commission of emigration is principally these bastardy cases before the police magistrates and before the court of general sessions; those I did not give my attention to very much, except a few extreme cases, where the commissioners said I must.

Q. And Mr. Nolan attended to those cases generally? A. Yes, sir; as a general thing, Mr. Nolan, or who ever it was; there was a man about Castle Garden, a policeman, who used to do the most of it; he used to make the appearances in the police courts.

Q. While you were counsel for the commission of emigration, did you make it a practice to attend upon the meetings of the commis-

sioners? A. I had no business there, unless I was sent for; I have been present at the business meetings when I was asked to go there as counsel, and advise them on some legal point.

Q. During the year 1870, do you recollect whether there was any discussion had among the commissioners, in relation to the reduction of head-money? A. Ever since I have been connected with the commission, it has been a matter of discussion in the board.

Q. Were you spoken to by any of the commissioners, in relation to that matter? A. I presume I have been spoken to by every one of them; I have no doubt of it; they usually came and talked with me about all their affairs, even after I had ceased to be their counsel.

Q. During the year 1870, did you have any conversation with any of the agents of the steamship companies, in relation to the reduction of head-money? A. I don't believe that I did; I think Mr. Schwab and Mr. Williams came into my office, whether it was in 1870 or 1869, I cannot say, and were talking about the matter, both of them talking; I think they were present both together, and they knew I was always in favor of the reduction of head-money, and I am now; I think it is right now; I was at that time in favor of a reduction of the head-money, and I so advised them; anybody that spoke to me, I have no doubt I advised them to that effect.

Q. Did you introduce Mr. Nolan, at any time, to any of the steamship companies? A. I may have met some in the street, because I knew nearly all of them, and I may have introduced him.

Q. When you had this conversation with Mr. Schwab that you have stated, and the other gentleman? A. Mr. Williams, that was.

Q. Did you suggest to these gentlemen the propriety of procuring the passage of a bill by the legislature to reduce the head-money? A. No; I think not.

Q. Did you indicate any way in which that result might be accomplished? A. It was a matter of perfect indifference to me; I simply spoke as a citizen.

Q. Did you at any time speak to any of the commissioners, after this conversation with Mr. Schwab and Mr. Williams, to induce them to pass a resolution providing for a reduction of head-money? A. No, sir; I never made it my business to go and do so; if they spoke to me I have no doubt I had a free conversation with them; I never made it my business because I was not at all interested.

Q. During the year 1870, while you were still—nominally at least—the counsel to the commissioners of emigration, did you and Mr. Nolan share any of the profits of your partnership together? A. I never drew a dollar out of the partnership at all in my life for any purpose; the partnership was not a very good paying institution; I paid the debts of it very often, but I never drew a dollar out of it.

Q. When did you for the first time become informed that Mr. Nolan had made an arrangement with the steamship companies, as their counsel, to procure the reduction of head-money? A. I became informed of it when there was a committee like this in session here; that was the first time; I think it was in the spring of 1871 or 1872.

Q. Eighteen hundred and seventy-two? A. Well, that was the first time.

Q. And you had no information prior to that time of the engagement of Mr. Nolan by the steamship companies? A. None, whatever.

Q. Did you write any letters to any persons connected with the legislature, in 1871, advising or asking for a vote for the reduction of head-money? A. I am sure I did not.

Q. Did you speak to any individual members of the legislature who at the same time were commissioners of emigration, in 1871, with relation to that matter? A. I did not, sir; unless they introduced the conversation themselves; I certainly did not make it my business to interfere with it at all.

Q. Did you at any time go to Albany in relation to the reduction of head-money? A. No, sir; never; I never went to Albany about head-money, except in 1867, when I was sent there by the board.

Q. Did you at any time advise Mr. Nolan of the steps to take to procure the reduction of head-money? A. No, sir; to make this all very brief, I did not know any thing about it at all; I never gave any advice or instruction or paid any money, and never received any money; I was at Albany twice during the four years that I was postmaster; once I went up to see Mr. Smyth on the matter of some irregularity of the mails between here and Albany; that was the time that this bill was up, I see from the date; it was in the latter part of the spring; the legislature, I know, was in session, because I met several persons; I got there at seven o'clock in the morning, and left on the 1:20 o'clock; and afterward went to the convention when General Dix was nominated.

Q In 1871 you recollect that the commissioners of emigration passed a resolution asking the legislature to reduce the head-money? A. I do recollect; yes, sir.

Q. You were not at that time counsel to the board? A. No, sir.

Q. Did you have any thing at all to do with the preparing of that resolution, or securing its passage in the commission of emigration? A. No, sir; I did not.

Q. In 1871 you were well acquainted with Thomas J. Creamer? A. Very well; I am acquainted with Thomas J. Creamer since 1866.

Q. Had you at any time introduced Mr. Nolan to him? A. I think I introduced Mr. Nolan to Mr. Creamer, last fall, during my canvass,

at the Irving House, where I had my head-quarters; I think he came into the room, and I introduced Mr. Creamer to him.

Q. But in the year 1871, you did not introduce Mr. Nolan, or give him any letter of introduction? A. I don't think I did.

Q. Do you know who introduced the bill in 1871, in the legislature, providing for the reduction of head-money? A. Nothing, except what I heard from the witnesses.

Q. Did you give any letter of introduction to Mr. Nolan to Mr. Frear, who did introduce the bill? A. No, sir.

Q. Did you at any time receive from Mr. Nolan, any share or part of the moneys which he received from the steamship companies, during the time that you were his partner, or afterwards? A. I never received from Mr. Nolan a dollar, except it may be a return of borrowed money, and I don't think that amounts, perhaps, to $500; he owes me now $1,000; I loaned him $1,000 not more than three months ago; I have been always so circumstanced that I have never had to borrow money of him; I have sometimes advanced him and he has always paid it back.

Q. Did you ever receive any part of this money paid to Mr. Nolan, by the steamship companies, from any other persons than Mr. Nolan? A. I never received a dollar in that behalf, not in any manner whatever.

Q. From any person? A. From any person at all in the world.

Q. Did you at any time hear any rumors, or have any information that any part of this money that had been raised by the steamship companies, was used to influence legislation in Albany? A. I have heard such rumors; such rumors are always afloat.

Q. Did you, at any time, hear any definite rumors on the subject, so that you might form an impression or an opinion? A. I don't recollect of any.

Q. Did you, at any time, hear any rumors that any of the commissioners of emigration, at that time, had received any share or part of this money that had been raised by the steamship companies, to induce the passage of that resolution? A. Nothing, except the rumors that the committe evoked itself.

By Mr. ALVORD:

Q. Which committee? A. The investigating committee; this one or the one before.

By the CHAIRMAN:

Q. I don't know whether I understood you, General, whether the first intimation you had that the steamship companies had paid any

money at all was, when the prior investigating committee was in session? A. Not this one.

Q. The prior investigating committee, in 1872? A. Yes, sir.

Q. That was the first intimation that you had that they paid any money, whatever, to any person? A. Yes, sir.

By Mr. VOSBURGH:

Q. After you had obtained that information in 1872, did you have any conversation with Mr. Nolan in relation to it? A. Mr. Nolan did have a conversation in relation to it, and I told him that it was not any of my business, and I did not want to know any thing that did not appertain to me.

Q. Did not what? A. I did not want to have any conversation upon a subject that was none of my business.

Q. And he did not inform you, at any time, who were the participants in this matter? A. No, he did not; I like to avoid trouble as much as possible.

By the CHAIRMAN:

Q. Mr. Nolan states that when the investigating committee of 1872 ascertained the fact of the arrangement, and the amount of money paid to him, that it caused a great scandal, which annoyed him very much; now, did he, at the time he spoke to you about it, ask your advice whether he should continue the arrangement and continue to receive money from the companies? A. He spoke to me about it, but I don't think he asked my advice as to what he should do about the matter; we were not then in partnership, I think, and had no relations whatever except that of acquaintanceship.

Q. Did you understand from him at that time that the arrangement was then continuing, and that he was still receiving moneys from the steamship companies? A. I don't know whether I did or not; I knew that he told me that he had entered into such an arrangement; I was not at all surprised at that, because the steamship companies had always had just that same kind of arrangement with somebody.

Q. I did not know but at that time he might have put himself in *locus penitentiæ* with you, as he does here; that it annoyed him very much in 1872, but still the proof shows that he kept on up to August following, getting money from the companies; did he express any regret to you that he had made the arrangement, or any desire to discontinue the receipt of money? A. Oh, no; not that I can recollect, and my recollection is pretty good.

Q. The sum and substance of it, as far as you have any knowledge, is, that Nolan commenced the conversation with you about it, and you advised him that it was none of your business, and you didn't want to

know any thing about it? A. Yes; I had business enough of my own at that time to bother me.

By Mr. ALVORD:

Q. I want to ask upon a different point which, I think, is within the legitimate sphere of our investigation; I understood you to say that you had been always in favor of the reduction of head-money? A. Yes, sir; I always advised it.

Q. Did you advise it upon the ground that it was to be for the benefit of the immigrant, by the reduction of the amount of passage-money? A. I always supposed that was the hope that was held out, that it would be reduced, but I advised it simply because I did not want the commerce of the port interfered with.

Q. Would it have interfered with, or made any difference with the commerce of the port, providing this head-money had been reduced, and no ultimate benefit grew out of it to the commerce — no direct benefit? A. I don't know what the result might be, but it appears to me the lighter the burden on the shipper at this port, it would have a tendency not to divert trade to another port.

Q. Did you proclaim that view to the extent of calling on the people of the State of New York through taxation? A. I did not proclaim myself about it at all.

Q. I ask you now, are your own views in regard to that matter to the extent that we should reduce the head-money to a point such as might benefit these steamship companies, but still, at the same time, cast a burden upon the people of the state by way of taxation? A. No.

The CHAIRMAN — In other words, the question is this: If the present head-money was insufficient to pay the expenses of the commission, would you advise a reduction at a point that would not pay its expenses, or would you advise an increase to meet the current expenses of the commissioners? [To Mr. Alvord] is that your idea?

Mr. ALVORD — Yes, sir; my idea is, should it be, in any way, a burden on the state?

A. No; the passengers as they come here are, to each other, underwriters to the amount which they pay as head-money, and that is distributed, as you know, by statute to the various counties in the state.

Q. We are aware of all that; but my question is this, would you advise the state, for the purpose of benefiting the commerce of the city of New York, or the commerce of the state itself, to take upon itself any portion of these burdens by direct taxation? A. No, sir; I think a light commutation tax would be very well, because you have

got to support them, I suppose, or else the immigrant would be thrown upon the mercies of the immigrant swindler.

Q. Do you advise, in that connection, any change in the manner of conducting the business of this emigration commission, so as to relieve us from the expenses attending its present method of administration? A. I don't know much about the inside administration of the commissioners of emigration; I had but little to do with it, unless I was sent for to advise upon some legal proposition; I was their counsel, but it always appeared to me in those days that they had more men about here than was necessary to do the work.

Q. Then I understand the whole gist of your answer to my question is, that you think it would be an economical administration? A. With a light computation tax.

Q. Which would result in leaving money enough, at the present rate of head-money, to pay the expenses of the institution? A. I think the present is not excessive; it is $1.50.

Q. Are you aware of the fact that at the time that you ceased to be counsel of the commission, up to the present time, that the decrease in immigration has been very large? A. Yes, sir.

Q. Would you suppose that $1.50 head-money upon an immigration of 90,000, with all the attendant hospitals, and the necessity of the state protecting these men for five years, and all that sort of thing, would be sufficient? A. I don't know what the expenses of the commission may be here.

Q. Well, as economically as it ought to be administered? A. I think $1.50 is enough.

Q. That is, Castle Garden and Ward's Island, a place of refuge holding 1,500 immigrants, and all the attendant evils of sickness, etc.? A. I don't know what the present administration of the commission of emigration is, but I think $1.50 adequate for the concern.

By the CHAIRMAN:

Q. How is it about indemnifying the counties of the state? A There is one-quarter set apart for that purpose.

Mr. ALVORD — They do not pay it?

The WITNESS — I don't know whether they pay it; there is one-quarter set apart.

By Mr. ALVORD:

Q. You were counsel for the commissioners of emigration? A. Yes, sir.

Q. And you were aware of the existing statutes in reference to it? A. Yes, sir; I compiled them once.

Q. Is there any thing in the way of an alteration of the present law which requires the commission of emigration to take care of and support these various emigrants for five years, down to a later time? A. I think the theory of the law is, and it is its expression also, that an alien is considered to be an alien until he is five years in the country; that is the time in which he may become naturalized; during the time he is an alien, this money that is paid by him when he lands here — in consideration of that, the State of New York, through the commission of emigration, underwrite to take care of him for five years; suppose, then, he becomes a citizen, he belongs to the country.

Q. You have an immigration of 90,000; you get $1.50 apiece; but you have got back of your four years of immigrants, who aggregate in the whole a million of people, whom you are compelled to take care of an average of two years; now, do you think with that 90,000 emigrants that $1.50 head-money can take care of the possibilities of that immigration of the four years previous, large and huge as it was, and conduct its affairs at Ward's Island and at Castle Garden, for any less sum? A. You seem to forget that these 90,000 people do not all remain in the State of New York; as soon as they leave the confines of the state, we are rid of them.

Q. You are not? A. Yes; we are.

Mr. VOSBURGH — Governor, right in answer to your question, I will state thate Mr. Jackson has made me a statement of the pay-rolls, etc., of Castle Garden and Ward's Island, for the comparative years, and I will say that the pay-rolls of the month of July, this year, are 60 per cent less than they were in the month of July, 1874.

Mr. ALVORD — I think they have got to be a little more than 60 per cent less; but that is no answer to my question, and I don't think that Gen. Jones understands my question.

The WITNESS — Possibly I do not.

By Mr. ALVORD:

Q. We are compelled by the law, as it exists now, to take care of the possibilities of their return to the state, even if they have gone out of the state, but if they return at any time within five years? A. I think it is one year.

Q. It is two years for able-bodied men? A. And women and children five years; but, practically, they do not return to the state.

Q. All those back of that are still an incubus upon this commission? A. I compiled the statutes up to 1870, when I left there, and since then I have paid no attention to the law.

Q. Are you aware of the fact that, in 1871, at the time of the reduction of the head-money, there were $337,000 of money in hand in advance and excess of all expenses and debts? A. I did not know any thing about the financial affairs.

Q. Are you aware of the fact that to-day, on the 1st day of July, 1875, they owe $248,000? A. No, I am not.

Q. You put those two sums together, and its aggregates a little in excess of $600,000; that extends over a period of four years; that makes a loss over receipts of $150,000 a year; now your head-money on 90,000 immigrants, at $1.50 apiece, according to my figures, is $135,000; it does not come up to the absolute falling off of the immigrant commutation money per annum for the four years back; now do you think that $1.50 is enough for 90,000? A. I speak now as to my knowledge of what things used to be when I was here; I thought then, when I was connected with this board, that the commutation tax was too high, and I so told them.

By the CHAIRMAN:

Q. That opinion must have been based upon the number of immigrants at that time? A. Yes, sir.

Mr. ALVORD — What was the immigration in 1871?

The CHAIRMAN — Nearly 300,000, I think.

By Mr. ALVORD:

Q. $1.50 upon an immigration based upon the immigration of 1871, would produce about $400,000; $1.50 upon the immigration of 1875, would produce $135,0000; now, there is a difference of $265,000? A. Well, of course I have never gone into a speculation of that kind.

Q. I only wanted to know your opinion, because you had been at one time connected with the institution, and you agree with me in the position that there should be no incubus upon the state by way of taxation? A. No, sir, I think not.

Q. That it ought to support itself? A. A foreigner is never an incubus upon the state; he comes here and pays his way for five years.

Q. You have answered so explicity and positively as to any sort of connection with Mr. Nolan, in regard to this matter, and have also answered my friend, Captain Vosburgh, in reference to the fact whether Nolan has had any conversation with you, that I have no other question to ask.

By Mr. WAEHNER:

Q. I will call General Jones' attention to the following evidence before the committe; the question was put to Mr. Nolan when on the stand:

"Q. Mr. Nolan, when you had the bill for the reduction of head-money, in charge, did you consult with General Jones as to what was best to be done to ensure its passage? A. I think I did.

"Q. Was it at that time that General Jones informed you that Develin, Miller & Trull, had received money for purposes similar to this? A. I think that General Jones told me of these other instances where money had been received for similar purposes, to assure me and to demonstrate to me that I was doing no wrong in doing it." What do you say to that evidence — is that evidence true or false? A. That I advised him to carry on this contract?

Q. That you, in the first place, advised him as to what was necessary to be done to secure the passage of the bill, and that then you informed him that other attorneys had made contracts of this character, too, and they were perfectly honorable; and in that way encouraged him to proceed? A. I don't think I ever had any conversation about the matter during the pendency of that bill; I did not know of it, as I told you, until subsequent.

Q. You see he testifies quite positively, which is a rare occurrence throughout his whole evidence, and for that reason, I should like to have a statement from you, if you can make it, positively, whether it is true or false? A. My memory is pretty fair, and I knew nothing about that bill until some time in 1872, I think.

The CHAIRMAN — If I have understood the General, the first he ever heard of it was what was brought out in that investigation.

The WITNESS — I did not know of my own personal knowledge that there was such a contract with Develin, Miller & Trull, and when they raised that tax in 1870, I know that they had just such a contract as that, and I had to overcome it.

Q. That conversation must have been after this investigating committee, of course? A. No, it could not have been.

Q. What you told him about Develin, Miller & Trull, must have been after the investigation? A. I did not really know whether it was Develin, Miller & Trull, but I knew there was a firm; I thought it was Mr. Chrystie, of Staten Island.

By Mr. WAEHNER:

Q. I see in looking over the evidence of Mr. Nolan — for the purpose of putting you right on the record, by reason of the indefinite manner in which he answered the questions put to him, and declined to answer a great many — I ask you now the question, did you procure this contract, or this arrangement, to be made for the benefit of Mr. Nolan, or have any thing to do with it whatever? A. I did not know any thing about it, as I told you.

Q. The reason I put the question, is just this, I asked him the question, and he says he does not know any thing at all about it. A. I see in the testimony here that he has had several transactions with these steamship companies, commencing before the passage of this bill

in 1871, and continuing since; perhaps he is confused about the matter.

Q. I desire to call your attention to a sentence or two in the evidence of Mr. Nolan: "Q. In 1780 or 1871, did General Jones suggest your employment by the steamship companies? A. I don't remember that he did.

"Q. What is your impression on the matter? A. My impression is that he did not in 1870, but did in 1871." Now is that evidence true or false? A. I did not suggest his employment by anybody.

By Mr. ALVORD:

Q. You say that you became acquainted with Michael Nolan during the war? A. Yes, sir.

Q. And that you have known him ever since? A. Yes, sir.

Q. Is he a man having the reputation of having a large amount of property? A. No; I think he has not a large amount of property; I don't know; sometimes he has come to me for an advance within the last few years.

Q. Was he, at any time during the years 1871 and 1872, apparently in the receipt of large sums of money, and in the investment of large sums of money? A. While we were in partnership together, he always appeared to me to meet his obligations, but not a man very far ahead in means.

Q. Were you so intimately acquainted with him, either socially or otherwise, as to make it possible for him to be in receipt of $75,000 to $110,000 of his own money, for his own purposes, and not have known it? A. Well, I had no transactions with him, as I told you; I was so circumstanced that I did not have to borrow money from him or anybody else.

Q. I am talking about your social or other connections with him — whether you would not have been in a position to know whether he was a gentleman in the receipt and the investment of a very large amount of money on his own account? A. He is a man who lives respectably and like any gentleman; I do not know about his investments.

Q. I ask you this question for the reason that it appears, as near as I can get hold of the matter, that possibly some portion of the money might come from his actual professional business outside of this matter, but that he was in the receipt, from the 1st of May, 1871, up to and including the 31st of December, 1872, of about $110,000, growing largely out of this business of this head-money? A. Well, I saw nothing — I did not see that he increased his expenditures at all from the time he was in partnership with me until the present; he always lived respectably.

Q. And you saw no evidence of his possession of property to represent that amount of money? A. No; he may have property and I not know it; I did not ask him.

Q. But you know that you and I when we are intimately connected or associated, either socially or otherwise, with a party, can tell pretty nearly where a person's property is, if he has any, that is possible? A. He has a mother and sister in London that he has to support; he has a brother that I appointed in the post-office for him when I was postmaster; he is there yet; he has that on his hands.

By Mr. SCHUYLER:

Q. You spoke of having lent Mr. Nolan money — how recently did you? A. I think it must have been within two months, because I gave it to him by check on my bank, and I have no bank account now.

Q. I think you said that it was $1,000? A. Yes, sir; I loaned him $1,000; I think it was a couple of months ago.

By Mr. WAEHNER:

Q. Did you at any time hear from Mr. Nolan, or from any source, that any persons were connected with him in the sharing of this money received by him in this arrangement with the steamship companies? A. No; I told you a little while ago that I refused to have any conference at all about a matter that did not belong to me.

Q. Did you hear any talk about it? A. I have heard what I have heard in the evidence here and what I have seen; I have not heard, but I have seen.

By the CHAIRMAN:

Q. That is, within the last three or four weeks? A. Yes, sir.

[A messenger from the office of Mr. Hunhardt, of the Hamburg line, produced the checks paid by the Bremen line to Michael Nolan, which were examined by the committee and returned.]

Charles Rabadan, the book-keeper of the French Transatlantic Line, appeared with a statement of moneys paid to Michael Nolan by the Transatlantic Steamship Company, which was marked "Exhibit No. 2 of August 12, 1875, F. M. A." Mr. Rabadan was not sworn, but was interrogated as follows:

By Mr. WAEHNER:

Q. How much, in all, was paid to Mr. Nolan? A. Three hundred and forty three dollars and seventy-five cents.

Q. When was that paid? A. From January to October, 1872.

Q. Only $343? A. That is all; $343.75.

Q. Nothing paid in 1871? A. No, sir.

Q. Was that paid at one time or in separate amounts? A. Three amounts, sir.

Q. When was the first paid? A. January, 1872.

Q. And the last paid? A. October, the same year; the French Transatlantic Company did not carry any immigrants at the time, nor did they enter into any agreement with other steamship companies in regard to this bill or any other bill; it was simply paid as a voluntary subscription toward legislation in regard to reducing the head-money — legal expenses.

By Mr. ALVORD:

Q. Was this based upon 25 cents apiece for each immigrant? A. That was the understanding.

Q. This amount that you have spoken of here is the 25 cents apiece for each immigrant? A. Yes, sir.

Michael Nolan, recalled.

By Mr. WAEHNER:

Q. Mr. Nolan are you ready to proceed? A. With the chairman's permission; yourself asked me whether or not the French line was a party to this contract, and I believe I testified that I thought it was not; I made a memorandum yesterday of many things of which I purposed to speak to the committee; I think, sir, it is a very good evidence of my *bona fideness*, because the amount paid me by the French line is simply trivial compared with the vast amount I received from the other lines; in respect to the request of the committee yesterday that I should furnish them the checks, I consulted with my counsel, Mr. Niles, last evening, and I arrived at the resolve, which I had in my mind at the time I left here — with all deference to the committee — not to produce those checks for the reasons assigned by me; and I am very sorry to inform you, Mr. Chairman, that Mr. Niles, who is my counsel, and has my confidence in this case, has been suddenly called to California; I believe he made that announcement yesterday to the committee; if there is any thing else in which I can oblige the committee, I shall be very happy to do it.

Mr. ALVORD — I suppose you are aware that we can get all this information by simply working, and that it is simply putting the committee to a vast amount of work and labor, which we are bound to do under the circumstances, without any sort of hesitation, and which you may avoid by giving us this information; now, the proposition of Mr. Waehner is, to take this testimony in private and secret session, and take your suggestions in regard to each and every one of these checks, and to make up our own conclusion from those suggestions — those which we wish to examine witnesses in regard to, and those which we are satisfied, from your explanations, are not necessary — to that extent it, so far as any private transactions of yours, keeps

them from the public eye and the public view; if you compel us to take the other horn of the dilemma, which we have the perfect power to do, and which will arrive at the same result, except by a large amount of work and labor, we must make the whole of them public; now, there is just where it is; you must be aware of the fact that so is the manner and way in which bank accounts are kept in this city, that you cannot conceal any of your checks in any way or any shape or any manner, from a thorough and full investigation to the very last end of it; now, I really wish that I had said that much to you yesterday, but I say it to you now in all honesty, with no anxiety or desire to pursue any individual, but simply from the desire to do our duty as members of this committee, to the investigation of this to the complete end; and we are bound to do it, and we are here to do it, if it takes all summer; now, that is all there is about it.

The WITNESS — I have every possible respect for the committee and for its desired means and for its ends, but I regard this as a matter of principle; it is not a matter of my personal preference; if it was a matter of personal preference, I perhaps would have produced the checks before, sir; I have consulted very extensively for some time past about this matter, among persons of a very high standing.

Mr. ALVORD — Mr. Niles is one of them, I suppose?

The WITNESS — Yes; but he is not the only one, sir; and I base my refusal upon a matter of principle solely — that it is a matter that I do not believe the committee ought to inquire into; it is a dangerous precedent, and it is a dangerous proceeding; I have told the committee that I have never paid to any member of the legislature a single penny, and I think that that ends the investigation, and I say this with all possible deference to the committee.

Mr. ALVORD — I thank you on my part, but I am only one of the present committee here, who was a member of the legislature at that unfortunate time.

The WITNESS — If I was subsidizing members of the legislature, I might possibly have come to you, but the bill went through on other grounds altogether.

Mr. ALVORD — I do not understand, my dear sir, that any principle is involved here, when we have the perfect power, and it is within our power to grasp the whole of the situation; and we are a unit upon it, determined to go to the very last end of all power that we have got in the premises; we differ with you in regard to this matter.

The WITNESS — I am exceedingly sorry.

Mr. ALVORD — We agree that we have a right, so far as you are concerned, and that it is our bounden duty to protect your private interests and private relations with private individuals; we propose to do that in a private way, and we propose to go to work and make this

investigation for the purpose of endeavoring, if we can possibly, to trace this money to public individuals, to public officials, whether they are officials directly by the vote of the people, or officials by appointment, either from the highest head of appointment or any subordinate head, in the administration of the affairs of the emigrant committee; we are really bound to do it; we cannot be stopped from it, and you are only making delay.

The WITNESS — I am very sorry indeed, sir, to be compelled to put the committee to any trouble whatever; but I am satisfied that any examination you shall make, will not inure to my harm, and will not contradict one word of testimony that I have uttered in this case in respect to the distribution of the money.

Mr. WAEHNER — Mr. Chairman, we have had this talk now for two or three days, and I do not see any use in going over the same ground again; Mr. Nolan positively declines to produce these checks, and we shall take other steps to get them; that is all there is of it.

The CHAIRMAN — Mr. Nolan's logic is very singular to me; that because a witness affirms or denies a thing, that no cross-examination is to be had; that is singular, that a witness should affirm that a fact is so, and that there all inquiry must stop: the bare statement of the proposition will convice you of its utter absurdity; because if you say a witness can declare a certain thing and then say that inquiry must there stop, what would be the use of an investigation, either in a court of law or elsewhere; I understand you to say, that because you say that no member of the legislature received a dollar of this money, that our inquiry must there stop; now that is a proposition that is wholly untenable, it seems to me, and it must seem so to you.

The WITNESS — I have many things to thank the committee for, but I do not believe that an investigating committee of this kind is the best way to protects the rights of a witness, because he is not informed of any charges against him, and he must necessarily stand on the defensive somewhat.

Mr. ALVORD — There is no charge against you; this is simply an investigation for the purpose of finding out the truth for the legislature of the State of New York; you are not here in the attitude of a defendant or the attitude of a criminal.

The WITNESS — It appears to me, sir, that I am the man who has been prosecuted for some time; I am the only sufferer about, it at least.

Mr. ALVORD — You are not a sufferer; but it is because you hold large possessions and know large things; that is the only reason; I want to ask Mr. Nolan a few questions in connection with some testimony that we have had here to-day.

The WITNESS—If you will permit me, sir; I have placed myself already in the hands of counsel in respect to those matters, and I will give the committee my promise that I will appear here any time they name after my counsel returns to this city, and I will even get other counsel to appear with me, in case he does not appear in time, before the adjournment of the committee; but, until then, I deem it very injudicious to answer any questions, because I have committed a great many imprudences already.

By Mr. ALVORD:

Q. How long have you been a lawyer, Mr. Nolan? A. I was admitted in 1868, I believe.

Q. Have you been seven years a lawyer? A. Yes, sir.

Q. Do you consider yourself competent to hang out a shingle and not know how to do without having counsel to tell you how? A. But you know the adage — "A man who is his own lawyer, has got a fool for client?"

Q. That means a man who has never studied law, but you pretend to have studied law? A. Yes, sir.

Q, That has no sort of reference at all to the question; I never was a lawyer, and still I think I can go on the stand without counsel? A. You certainly ought to have been a lawyer; I have no doubt you would have made very a good one.

Q. I was about to ask you whether or no you would not endeavor to recollect your statement there in reference to consulting with General Jones in regard to this bill prior to its passage? A. I suppose it will be imprudent to depart from my resolve, but I think my recollection of that testimony is that I may have consulted him, but I think General Jones knew nothing whatever of the arrangement until after the whole thing was disclosed.

Q. My proposition is this, your best recollection was that you talked with General Jones in regard to this, and advised with him how you were to be enabled to get this bill through the legislature? A. You must excuse me, sir; that is not my recollection of the form of my testimony; I think I said I "may have" spoken to him; I said that because my recollection of all the transactions was so indistinct that I could not rely on my memory or want of memory on the point; he was a man whom I should have been very likely to advise with in any emergency; I do not believe I did in this.

Q. That is different from your statement; there was no "may have been" in it. A. That is my recollection of my testimony.

Q. Your recollection was, that while you did not have any complicity with him in reference to this matter by way of division of the spoils, still your recollection was that you consulted with him in reference to the manner in which you should pro-

ceed in the legislature, not that you might have done, but your recollection was that you did do it?

The CHAIRMAN — And furthermore, that General Jones told you at that time about Develin, Miller & Trull, and told you that there was nothing improper in it."

The WITNESS — That takes me right out, sir; that I was there after the first investigating committee in 1872, when I was afraid there was something dishonorable in the whole transaction, and asked him about it; that is quite another thing; that explains the whole thing satisfactorily, and that is my recollection of it.

The CHAIRMAN — That could not be, because you testified that you consulted with General Jones as to the whole manner of operating to pass the bill.

The WITNESS — You must excuse me, Mr. Speaker; my remembrance is that I testified that I may have spoken to him about it; I do not remember of saying positively that I did speak to him about it.

The CHAIRMAN — I don't think you said positively; but of course, the impression was that the conversation was before you went to Albany at all, and that you consulted him, and Mr. Jones told you what to do.

The WITNESS — I think I distinctly testified before the committee, that after the first investigation in 1872, I spoke to General Jones about the transaction, and asked his opinion about its moral status, and that he then informed me about the arrangement with Develin, Miller & Trull; that is my recollection; I see that some of the papers this morning, report me as having testified that a resolution on the intent of the commissioners to reduce the head-money, was published in the *Herald* of June 10, 1871; I meant June 10, 1870, not 1871, where the resolution will be found.

Mr. WAEHNER — This is the question that I put to you: "Q. In 1871, when you had the bill for the reduction of head-money in charge did you consult with General Jones as to what was best to be done to insure its passage? A. I think that I did.

"Was it at that time that General Jones informed you that Develin, Miller & Trull had received money for purposes similar to this? A. I think not; General Jones told me of those other instances where money had been received for similar purposes, to encourage me and to demonstrate to me that I was doing no wrong in taking it.

"Q. Did General Jones advise you that the steamship companies had made arrangements with other counsel, similar to that made with you? A. No.

"Q. Didn't General Jones, and others, or General Jones individually, procure this job from the steamship companies in 1871, and share the profits with you? A. I decline to answer.

"Q. Did not General Jones, or others, procure you this employment in 1871, as counsel for the steamship companies? A. Not of my own personal knowledge.

"Q. Were you never informed by Mr. Jones, that he procured this job for you? A. I don't believe that he ever did so in terms."

The WITNESS — All those questions have been disposed of by the testimony of Mr. Dale and Mr. Nicholson; that I alone was answerable for this contract; I, alone, made it.

By Mr. ALVORD:

Q. When did you first come into this country? A. I came here in 1861, sir.

Q. From where? A. I came from England.

Q. Where did you land? A. I landed, sir, here in Castle Garden.

Q. That is all at present, sir; I simply desire to inform you that we intend, whether with or without your assistance, to get hold of the way and manner in which every single one of your checks were given, to whom and at what time; that we have got the power to do so; that you are simply compelling us to an unusual and an unnecessary amount of labor which will give publicity, if there are any private transactions of yours which you might not desire, but which you render necessary by the course which you have pursued.

The WITNESS — If the committee ever succeeds, sir, in discovering the precise distribution of this money, I have not the slightest doubt it will corroborate, in every respect, every word of testimony I have given.

Mr. ALVORD — Then why do you not relieve the committee, when they propose to do that in a private way.

The WITNESS — I have told you it is a matter of principle with me.

Mr. ALVORD — There is no principle about it; as long as we can get at it, and we are determined there aint any principle involved in it at all.

The committee adjourned to August 13, 1875, at 10:30, A. M.

NEW YORK, *August* 13, 1875.

The committee met at 10:30, A. M., pursuant to adjournment.

Present — The Chairman, Mr. McGuire, Messrs. Alvord, Schuyler, Gedney, Vosburgh and Waehner.

Abram Wakeman, being duly sworn, testified as follows:

The CHAIRMAN — Mr. Wakeman, any statement you desire to make, you may please make.

The WITNESS — I am present by virtue of a subpœna that was served upon me on yesterday; I have to thank the committee for the opportunity of making a brief statement upon three points that may have some connection with the subject-matter of inquiry referred to this committee; the first is in relation to the alleged $60,000 said to have been paid by the steamship companies in 1871, for the purpose of reducing the rate of head-money upon emigrant passengers; statements have been made, I am informed, before this committee, tending to show that I had some connection with that matter; I desire to say that I had no knowledge of the preparation of that bill or of its passage, other than what appeared in the public papers, and knew nothing of the payment of any sum of money whatsoever, and in no way participated in it, and the fact that any payment was made, was not known to me at all, until nearly two years after it occurred; I neither directly or indirectly was ever benefited to the extent of one penny in any matter connected therewith; the way it came to me was this—

The CHAIRMAN — Before you proceed with that statement I suppose you want to make it appear — you say you never was benefited to the extent of one penny; I suppose you mean you never received any money? A. I mean received; I knew nothing of it: I never received any thing, and never knew any thing of it, and had no connection with it; not the slightest in the world; I was going to say that it came to my knowledge through my clients, Messrs. Williams & Guion, nearly two years after the event transpired. Second. In the fall or winter of 1873, I was called upon by Mr. Williams, of the firm of Williams & Guion, who were clients of mine, and I was retained by Mr. Williams on his own behalf, and as I supposed, on behalf of the steamship companies, to prepare and make an argument before the senate committee on commerce and navigation, against the increase of head-money, or against the bill that had been introduced for the purpose of increasing the rate of head-money; I prepared such an argument; it was prepared chiefly at my country residence at Sandy Hill; I came down to Albany and met Mr. Williams there with Mr. Dale and some other gentlemen of the steamship companies; the senate committee had a meeting in the senate chamber, and we went before that committee and I made the argument; before I had completed it, the chairman of the committee seemed to be entirely satisfied with the facts that had been presented, and with the views that had been offered, and asked if there was any thing to be heard on the other side, and some observations were made by one or two gentlemen; but the committee were so satisfied about the correctness of the view that I had presented, that they at once announced the fact that they should report against the bill; that was all I had to do in 1873 in connection with the matter; subsequently, some months afterward, Mr.

Williams sent me a fee, which was not more than I should have charged any individual for a similar service, and which was entirely moderate, such as I have been accustomed to charge them on other occasions; in 1874 a renewed effort was made, for the purpose of passing a bill to increase the rate of head-money; I was then, in the early part of the session, or before the session commenced, I forget now which, I was waited upon by Mr. Dale, with whom I was well acquainted, and who had been present at Albany the winter before when I made the argument, and he desired to retain me on behalf of himself, and, as I understood of the gentlemen, connected with the steamship companies, to repeat that argument, and to prepare statements of facts and a presentation of views, and to make these statements before the senate committee; I went to Albany and made that argument; appeared before the committee on two or three occasions, and prepared various statements for the papers, and revised certain articles which had been written, and was consulted from time to time in reference to the whole matter in opposition to that bill; during the progress of the investigations, suggestions were made by various persons that it would be necessary to raise a large sum of money to defeat the passage of that bill; I was asked to lay that matter before the committee of which Mr. Dale, I believe, was chairman; I ventured to make the suggestion of what had been stated upon the subject to the committee, at the same time saying that, if they consented to make any payment of any money, other than a simple counsel fee, it would only be a bid for a constant effort of that kind at each session, and they said that it was not necessary for me to make any suggestion; that the committee had resolved that under no circumstances would they pay one single dollar other than for legitimate counsel services, and that fact was made known to various parties; it was made known especially to Mr. Ganson, who was an opponent of the measure, and other gentlemen, and the bill after it had reached its final action in the senate was defeated; subsequently, some few months afterward, Mr. Dale, or some person on behalf of the committee, sent me the fee that I charged, the same that I would have charged had I been employed by any individual member of this committee for that service.

By the CHAIRMAN:

Q. In 1873 and 1874 the matter was regarded so important that the discussion of the bill was heard before the joint committee? A. Yes, sir; I was before the joint committee.

Q. The committee on commerce and navigation of the house, and a like committee on the part of the senate; both committees met? A. That was a fact; subsequently I also appeared before the senate committee separate from the house committee; in that matter it is proper

to say that all the money that in any way, either directly or indirectly, ever came into my hands, was simply the individual compensation made to myself for my services; I had no connection with disbursements of any funds; do not know of any having been disbursed; don't believe any was ever disbursed to anybody, or any sum was ever paid to any individual member, or anybody outside, except, possibly, persons who were aiding me in connection with the matter to some extent, and that I have no personal knowledge of; I think it proper to have made the statements, so that the committee, so far as I was concerned, should be relieved from any idea that any of the money had been improperly used to influence legislation or to affect the legislature; that was expressly understood and talked of by the representatives of the steamship companies that I was brought in contact with, that, under no circumstance, would they consent to the payment of a dollar, otherwise than for legitimate counsel services.

Q. I understood you that Williams & Guion were your clients? A. They were, sir.

Q. In ordinary business? A. Yes, sir; they had been for some time.

Q. And I suppose that you, as their counsel in ordinary business, would take some interest in protecting them from these legislative sharks? A. Certainly, I should; I did that, sir, so far as to make the suggestion that, if they consented to make any arrangement of that kind for one year, they would have to do it possibly for every year; if the gentlemen of the committee desire to ask any questions upon any of those points, I should be very glad to have them; I may say here that I have had no further connection with the matter whatsoever from that time to the present.

By Mr. ALVORD:

Q. From 1874 to now? A. Yes, sir; I was not retained last winter.

Q. You remarked a few moments ago, in speaking of the occurrence in 1874, that the proposition was made that a large amount of money might be necessary for the purpose of bringing about the wishes and views of the steamship companies; did any members of the legislature suggest that to you? A. No, sir.

Q. Where did the suggestion come from to you, that that might possibly be necessary? A. From the class of gentlemen who are attendant usually upon the legislature, known as lobbyists.

Q. Can you give the names of some of those? A. I don't think I could now safely say what particular individual made the suggestion; I would not like to do injustice to anybody by mentioning a name that I was not perfectly certain about.

Q. But the amount of it was that the suggestion which had been made to you at that time, that there might be a necessity for the use of money, came from the outside lobbyists? A. Yes, sir.

Q. No such such suggestion was ever made by any member of the legislature? A. No, sir, not to me.

Q. You know some few of those gentlemen that are called lobbyists, I presume? A. Oh, I have an acquaintance with a number of gentlemen who have been accustomed to be at the legislature more or less, at various periods.

Q. Who was chairman of the committee on commerce and navigation in the house, in 1874? A. I think Mr. Bigelow and Mr. Robinson of the senate.

Q. Was Mr. Bigelow at that time an employee or attachee of this department? A. That, I don't know, sir.

Q. Who did you say in the senate? A. I said Judge Robinson.

Q. Wasn't it King? A. Perhaps it was King; it was Judge Robinson in 1873, certainly, and perhaps it was King in 1874; I think it was.

The CHAIRMAN — Alberger in the house, in 1873.

The WITNESS — Yes, sir; the argument in 1873, was simply before the senate committee, not the joint committee.

By Mr. ALVORD:

Q. The bill was killed in the committee? A. Yes, sir.

Q. In 1874, the bill went through the committee? A. Yes, sir.

Q. And went before the senate? A. Yes, sir, and Mr. Ganson made the principal argument against it, I believe.

Q. Then I understand you to say that you did not come in contact with any member of the house except by way of argument with reference to this matter? A. No, sir, I don't now remember that I conversed with a single member of the house upon the subject; I may have done so casually, but not by way of argument, other than before the joint committee.

Q. Did you know, of your own knowledge or from any information that you have, or intimation on the part of any member of the legislature, either of the senate or the assembly, that money might be necessary for the purpose of bringing about your desires? A. No, sir.

By the CHAIRMAN:

Q. What representatives of the steamship companies were at Albany, in 1873? A. I think Mr. Dale, Mr. Williams, of Williams & Guion, and Mr. Schwab, I think, of the Bremen line, and, I think, Mr. Hurst, of the National, but I am not certain.

Q. Do you know whether either of those gentlemen employed any of these lobbyists to aid them? A. No, sir; not to my knowledge.

Q. As I understand it, they had no counsel or representative there, except yourself? A. That is all, so far as my knowledge extends.

Q. And I have understood you to say that you had no knowledge that they disbursed a dollar, except what they subsequently paid you as regular counsel fee? A. That is the truth, sir.

Q. And that your advice to them was not to pay any money to anybody? A. Yes, sir; that was so, and they assured me that that was the conclusion that they had come to before I had ventured to make the suggestion.

Q. In the year 1874, were there any of the representatives of the steamship companies at Albany? A. Yes, sir; at the time that I made the argument, the first argument before the joint committee, I think, Mr. Dale was present and Mr. Hurst, I think, and Mr. Schwab; Mr. Schwab, certainly, and possibly others.

Q. Have you any knowledge that they employed any person during that session, except yourself, in connection with the bill? A. Yes, sir; Mr. Daniel Casserly was employed and aided me very much, in the preparation of papers and the preparation of statistics, and condensation of reports and preparation of articles for the papers and so on, all of which pretty much were submitted to my supervision; but what compensation he received I have no knowledge of.

Q. Can you state whether any persons, other than yourself and Mr. Casserly were there? A. Not to my knowledge.

Q. And no money disbursed to any parties connected with the legislature, or lobbyists around the legislature? A. No, sir; not to my knowledge.

By Mr. WAEHNER:

Q. You know nothing of the arrangement that was made in 1871, by the steamship companies? A. None, whatever, sir; I had no connection with that; it was nearly two years before I heard of it.

Q. Did you ever appear before the joint committee of the assembly and the senate, committes of commerce and navigation last year? A. Yes, sir; in 1874 I did, and also before the senate committee, separate from the joint committee.

Q. It was charged, as stated at that meeting, I think, by one of the parties, that a large sum of money had been used the year before to affect legislation; do you recollect any thing of that kind? A. I don't remember now, any such statement made; if it was made, so far as my knowledge extends, it was false.

By the CHAIRMAN:

Q. You have stated that about two years afterward, Mr. Williams called your attention to the arrangement with Nolan; what led to this conversation between you and Mr. Williams, in regard to Nolan's transaction? Q. He consulted me upon the liability of his company to pay claims that had been made upon him, growing out of that matter; that is the way it came to be brought to my attention.

Q. Mr. Williams himself testified that at the end of the year he refused to pay any more, although it was demanded of him by Nolan; all the rest of the companies, it seems, continued for several months after the expiration of the year? A. That claim, I think, was pending and had been persisted in some length of time after the year had expired, and I think it was two years before I knew it at all; at least the first that I knew was when I was asked my advice in reference to their liability to pay.

Q. Did Mr. Williams state to you, at that time, what the arrangement was with Nolan; he must, necessarily, if he consulted you? A. I believe, in general terms, he did, sir.

Q. Can you state now, the general terms that Mr. Williams employed, as to the transaction and its nature, had with Mr. Nolan? A. What occurred between Mr. Williams and myself in reference to that matter, was purely a question between counsel and client, but if the speaker desires, understanding the rule of public policy, which closes the mouth of counsel upon that subject — if you desire me to state it, I should have no objection, with the consent of Mr. Williams; perhaps, in general terms, I can state it without the least difficulty.

Q. I should not have asked the question but Mr. Williams himself was interrogated fully, and answered himself, and he therefore has waived the privilege? A. Then I would be most happy to make the statement; I would be happy to state, and will state, that the understanding, as I now recollect it, was an arrangement made with these gentlemen, predicated upon the success of the bill; he was to receive, I understood, 25 per cent per capita for all the passengers that should arrive in the port for the year subsequent to the passage of the act.

Q. The object of the inquiry was this, we have the arrangement satisfactorily proven, whether, in that conversation, Mr. Williams mentioned any party connected with Mr. Nolan, in this transaction? A. He did, but it was a matter of inquiry, not that I had any knowledge; he asked if I knew Mr. Nolan; I said that I did not, that I had no personal acquaintance with him; he said he understood that he was a partner or had been with Gen. Jones, who was then the postmaster, and as the relations between the steamship companies, and especially those carrying the mails, and the postmaster were intimate

and close, it was a matter of expediency, on his part whether they should resist the payment of that bill or claim of Mr. Nolan's, when it might reach through him his partner or former partner, Gen. Jones, and I was asked if I knew any thing or could ascertain about that fact.

Q. Did he mention any names, either from his own knowledge or from suppositions, that any person was connected with Nolan in the original transaction? A. No, sir; he did not.

Q. I understand it was considered as a matter of policy, whether they should resist Nolan's claim? A. Yes, sir; and the point was further to ascertain whether there was any connection in the matter, and I subsequently made such inquiries which led me to believe that there was not so far as Gen. Jones was concerned in connection with the matter.

Q. In these interviews, then, with Mr. Williams, the only name was that of Gen. Jones? A. Yes, sir; that is my best recollection.

By Mr. ALVORD:

Q. Your inquiries led to the conclusion that Gen. Jones had no interest in the matter at all? A. Yes, sir; the inquiries that I made led me to conclude that Gen. Jones had no connection with the matter whatever, and I so advised Mr. Williams.

Q. You say that you were engaged, in addition to the argument which you made and the preparation, and all that sort of thing, in revising and arranging articles to appear in the papers? A. Yes, sir.

Q. Who were the authors of those articles? A. I can only state on information and belief about that; I think Mr. Casserly was the author of several of them; I, myself, was the author of some, and the other productions were more or less the result of joint conference and conversation together.

Q. Were those gratuitously published by the newspapers? A. So far as my knowledge extends they were.

Q. What papers were they published in? A. I think in the *World* and the *Times* and the *Journal of Commerce*, and, my impression is, the *Commercial* and some other papers; I don't remember all of them, but there was quite a number of papers that had espoused the cause of the merchants and the city — it was supposed to be the cause of the city.

Q. You were not aware of their being any pecuniary compensation given to the papers for publishing them? A. Not at all, sir, to my knowledge.

Q. Were you the immediate communicator between the steamship companies and the papers for the publication? A. No, sir, further than in reference to these articles.

Q. You simply wrote the articles; you had nothing to do with the negotiation for the publication? A. No, sir, except in perhaps one or two instances; but in no case, to my knowledge was a dollar ever paid for any such publication.

Q. Did these communications appear as editorials or as communications under signature? A. Both; sometimes one and sometimes the other.

By Mr. VOSBURGH:

Q. These articles were written to assist you in your work at Albany, were they? A. They were written for the purpose of creating sound public opinion upon that question, and thus that it might affect the legislature.

By Mr. WAEHNER:

Q. I did not understand whether the question was put to you in connection with that matter, whether you knew of any money being used for the purpose of procuring the publication of those articles? A. I did not; I answered that when the governor inquired; I don't know of any such and don't believe that there ever was any used.

By the CHAIRMAN:

Q. All investigating committees are called white-washing committees, but this investigating committee, I believe, has been called a mud-throwing committee; they don't use white-wash, and I am very happy, Mr. Wakeman, to see that you are enabled to put yourself before the community and that you are free from any improper connection with the matter? A. Thank you, Mr. Speaker, I am obliged for your kind remark; is there any further question.

The CHAIRMAN — I think not.

The WITNESS — I am very much obliged to you, gentlemen.

Mr. Allen, from the Cunard Line, appeared with a statement of moneys paid to Mr. Nolan from April 24, 1871, to July 23, 1872, to the amount of $8,964, which was put in evidence and marked "Exhibit No. 1, of August 13, 1875, F. M. A.:"

EXHIBIT No. 1.

CUNARD LINE.

1871.							
April	24.	S. S.	Batavia,	878	passengers	.....	$219 50
April		do	China,	288	do	.....	72 00
May	3.	do	Scotia,	48	do	.....	12 00
May	6.	do	Algeria,	908	do	.....	227 00

May	10.	S. S. Java,	346	passengers.....	$86	50
May	13.	do Abyssinia,	863	do	215	75
May	17.	do Russia,	39	do	9	75
May	20.	do Calabria,	715	do	178	75
May	24.	do Cuba,	236	do	59	00
May	25.	do Aleppo,	730	do	182	50
May	31.	do China,	264	do	66	00
June	3.	do Batavia,	824	do	206	00
June	7.	do Scotia,	31	do	7	75
June	10.	do Algeria,	686	do	171	50
June	14.	do Java,	353	do	88	25
June	17.	do Abyssinia,	489	do	210	50
June	21.	do Russia,	25	do	6	25
June	24.	do Calabria,	567	do	141	75
June	28.	do Cuba,	372	do	93	00
July	5.	do China,	360	do	90	00
July	12.	do Scotia,	32	do	8	00
July	15.	do Algeria,	633	do	158	25
July	19.	do Java,	239	do	59	75
July	22.	do Abyssinia,	428	do	107	00
July	26.	do Russia,	21	do	5	25
July	29.	do Calabria,	388	do	97	00
August	2.	do Cuba,	155	do	38	75
August	5.	do Batavia,	381	do	95	25
August	9.	do Parthia,	229	do	57	25
August	16.	do Scotia,	32	do	8	00
August	19.	do Algeria,	442	do	110	50
August	23.	do China,	27	do	6	75
August	26.	do Abyssinia,	496	do	124	00
August	30.	do Russia,	17	do	4	25
September	2.	do Calabria,	492	do	123	00
September	6.	do Java,	30	do	7	50
September	9.	do Batavia,	506	do	126	50
September	13.	do Cuba,	41	do	10	25
September	16.	do Parthia,	561	do	140	25
September	20.	do Scotia	24	do	6	00
September	23.	do Algeria,	490	do	122	25
September	27.	do China,	42	do	10	50
September	30.	do Abyssinia,	555	do	138	75
October	4.	do Russia,	25	do	6	25
October	7.	do Tripoli,	375	do	93	75
October	11.	do Java,	24	do	6	00
October	14.	do Batavia,	409	do	102	25
October	18.	do Cuba,	24	do	6	00

October	25.	S. S.	Scotia,	23	passengers.....	$5	75
October	28.	do	Algeria,	486	do	121	50
November	1.	do	China,	21	do	5	25
November	4.	do	Abyssinia,	497	do	124	25
November	8.	do	Russia,	2	do		50
November	11.	do	Calabria,	392	do	98	00
November	15.	do	Java,	8	do	2	00
November	18.	do	Batavia,	416	do	104	00
November	22.	do	Cuba,	21	do	5	25
November	29.	do	Scotia,	27	do	6	75
December	6.	do	Algeria,	178	do	44	50
December	13.	do	Russia,	23	do	5	75
December	16.	do	Calabria,	261	do	65	25
December	20.	do	Java,	136	do	34	00
December	27.	do	Cuba,	149	do	37	25
1872.							
January	15.	do	Abyssinia,	96	do	24	00
January		do	Algeria,	68	do	17	00
January		do	Russia,	12	do	3	00
January	29.	do	Java,	153	do	38	25
January		do	Calabria,	98	do	24	50
February	13.	do	China,	91	do	22	75
February		do	Abyssinia,	130	do	32	50
February	21.	do	Russia,	14	do	3	50
February		do	Algeria,	167	do	41	75
March	9.	do	Calabria,	279	do	69	75
March		do	China,	245	do	61	25
March	25.	do	Abyssinia,	363	do	90	75
March		do	Cuba,	332	do	83	00
April	17.	do	Algeria,	364	do	91	00
April		do	Java,	331	do	82	75
April		do	China,	317	do	79	25
April		do	Calabria,	671	do	167	75
April		do	Russia,	30	do	7	50
April	22.	do	Abyssinia,	861	do	215	25
July	5.	do	Cuba,	356	do	89	00
July		do	Batavia,	895	do	223	75
July		do	Scotia,	34	do	8	50
July		do	Algeria,	983	do	245	75
July		do	Java,	317	do	79	25
July		do	Parthia,	1,051	do	262	75
July		do	China,	333	do	83	25
July		do	Calabria,	831	do	207	75

July		S. S.	Abyssinia,	861	passengers.....	$215 25
July		do	Russia,	30	do	7 50
July		do	Abyssinia,	1,040	do	260 00
July		do	Russia,	30	do	7 50
July		do	Cuba,	248	do	62 00
July		do	Scotia,	27	do	6 75
July		do	China,	202	do	50 50
July		do	Algeria,	679	do	169 75
July		do	Java,	172	do	43 00
July		do	Calabria,	447	do	111 75
July		do	Batavia,	850	do	212 50
July		do	Abyssinia,	577	do	144 25
July		do	Russia,	26	do	6 50
July	22.	do	Java,	177	do	44 25
July		do	Parthia,	338	do	84 50
July		do	Cuba,	164	do	41 00
July		do	Batavia,	383	do	95 75
July		do	Scotia,	27	do	6 75
July		do	Algeria,	529	do	132 25
July	23.	do	Parthia,	495	do	123 75
						$8,964 00

Mr. Allen also produced for inspection by the committee the checks paid to Mr. Nolan in the year 1872.

Bernard Casserly being duly sworn, testified as follows:

By Mr. WAEHNER:

Q. You were at one time superintendent in the commission of emigration, were you not? A. Yes, sir.

Q. When were you first appointed to that position? A. I was appointed in 1860.

Q. And you continued acting in that capacity until May 1, 1873? A. June 1, 1873, I think.

Q. During that time, of course, in that capacity, you had ample opportunity of looking over the workings of the commission and of forming an opinion as to whether the operations were conducted properly or improperly? A. Yes, sir.

Q. What do you say with relation to the condition of the board in 1870, as far as the expenditures were concerned; were they large, excessive, or were they proper, for the management of the board? A. I think now, as I thought then, that the board was not as economically managed as it could be at that time.

Q. Can you now specify in what particulars you would have recommended economy at that time? A. In salaries particularly; or not so much in salaries as in the number of officials.

Q. Then you mean to say that the number of officials was large, although the salaries paid was not too large? A. That is what I believe.

Q. Can you designate, at this time, what officials you deemed necessary, and what unnecessary at that time, to carry on the operations of the board successfully? A. I don't know that I could designate at this length of time, but I could probably answer the question better in this way, that for the last ten years of my connection with the commission as new boards came in and succeeded their predecessors, they would increase the number of employees; as you may readily understand, every commissioner as soon as he was appointed, immediately was applied to by his friends for positions for themselves or for their friends, and while they did not desire to remove the officers they found in office when they came, they would divide the duties, and put two officers in to do the duty that had formerly been done by one, and in that way the staff both here and at Ward's Island increased from year to year.

Q. And you therefore say generally, not being able to specify at this time any particular year, that the official force for the past ten years was too large, in your opinion, entirely, for the successful carrying on of the affairs of the board? A. Well, of course the larger the staff, the greater the amount of work done, but then I say in proportion to the income, as compared with the income, that the staff was necessarily large.

Q. During the time that you were superintendent, there was also a treasurer of the board, was there not? A. Yes, sir.

Q. What were your duties as superintendent? A. My duties as superintendent were to execute the orders of the board, carry into effect their resolutions, and have a general supervision over the workings of Castle Garden, particularly, and indirectly Ward's Island.

Q. Was it a part of your duty at any time, while superintendent, to purchase supplies? A. No, sir.

Q. Who did that whilst you were superintendent? A. The purchasing of supplies was first done through a grocery house, Pegg & Lane, to whom all requisitions for supplies required for Ward's Island and Castle Garden were sent; of course the requisitions of Castle Garden were small; the requisitions for Ward's Island were the chief ones; they were made out by the officer in charge of the island, and sent here and submitted to the committee, and signed by the chairman of the committee, and handed to the treasurer, and by him tranferred to Pegg & Lane; when the board of 1870 came in, they discontinued the services of Pegg & Lane, and appointed a purchasing agent, Mr. King.

Q. After Mr. King, who was the person who did the purchasing? A. It was done then occasionally by some one of the commissioners, and afterwards by the superintendent of Ward's Island, as he was called, or warden.

Q. Can you state beside this general supervision, that you had over the affairs of the management of the commission, whether you had any particular or definite duties to perform as superintendent; did you keep charge of any books or any of the financial accounts? A. Not of any financial accounts.

Q. Were you charged with any special duties connected with Castle Garden, in managing the operations in here? A. Yes, sir, with all of that; my duty was to not only be here and receive all applications from immigrants wanting relief or aid, but to see all parties having business with the commission, and to prepare all papers and documents required by the commission.

Q. What were your office hours during that time? A. From half-past 9 or 10 o'clock until 4.

Q. And did you find yourself engaged during the whole day; were you generally full of business or how? A. Well, about as much as I could attend to, sometimes more.

Q. Did you regard the services of a treasurer during the time that you were superintendent, as necessary? A. I thought they were; the disbursements some years amounted to $500,000 or $600,000.

Q. And the services of a secretary — did you regard those necessary? A. Well, I was acting as secretary, but had one or two assistants.

Q. You were then secretary and superintendent both? A. Yes, sir.

Q. Do you think you would have had the time, as superintendent, to attend to the purchasing department, taking charge of the treasurer's affairs and also the duties of secretary? A. Not at that time; during the year 1873, I think it was, some of the commissioners asked me whether I would do it; I told them I preferred not to do it; I did not desire to have any thing to do with the purchasing, because it never had been part of my duty and I did not desire to do it then, and I thought it would interfere with my own legitimate duties.

Q. Do you attribute that to the fact that emigration was exceedingly high, particularly about the year 1871, and 1872? A. Yes, sir; that was one of the reasons of my time being very much employed.

Q. So that your duties at that time sufficiently engrossed your attention, and disabled you from attending to any other business? A. Yes, sir; you are confining me to the time that I was superintendent; if you will allow me to go back a little —

Q. Excuse me, our inquiry is only from 1870 to this time? A. Yes; that is true; I was going to remark, incidentally, that my connection with the commission dated back to 1847, and that there have been

times and years when I gave not only the time required by the commissioners, but very frequently from 9 and 10 o'clock in the morning to 10 and 11 o'clock at night.

The CHAIRMAN — I think, Mr. Waehner, it would be well enough for the witness to state, generally, the operations of the commission for some years back, not to give any details, because when the legislature is asked to increase this head-money, they are met with the argument that in prior years the expenses of this institution were so small that a *per capita* of $1.50 would be sufficient to pay the expenses; and comparisons are made with the expenses from 1847, down; then the increased expenses of the last five or six years are shown, and the argument deduced from it is, that the expenses for the last five or six years have been a source of extravagance, that the expenses should be reduced to what they were in former years, and the institution pay its own expenses; in that view, it would be well enough to ask whether the duties of the commission have been extended so as to require more help and more expense; when this institution was started, they might get along with a comparatively light sum for expenses, and when the institution developed, it would necessarily require more help; therefore, their expenses would be increased.

The WITNESS — Mr. Speaker, do you think that, in the nature of things, an institution whose pay-roll amounted in 1847 to $20,000, with a large emigration, could require a pay-roll of $740,000 in 1873, with an emigration about the same?

Mr. ALVORD — That depends upon another question, whether your duties were enlarged.

The WITNESS — They were.

Mr. ALVORD — In 1873 you had become a perfected machine, and you had got into the scope and necessities of the requirements of your profession.

The WITNESS — In 1865 the salaries were about $60,000.

By Mr. VOSBURGH:

Q. What was the emigration then? A. I think the emigration was over 200,000.

By Mr. ALVORD:

Q. Were the various adjuncts to the emigration commission at that time in reference to your labor bureau, and all that sort of thing, the same as they are now? A. I ask you whether there is any reason —

The CHAIRMAN — You are not to express any opinion; what we want is facts.

Mr. WAEHNER — Just make a general statement in relation to the suggestion made by the speaker; that is to say, explain the working

of the board from 1847, with relation to the increase in salary, as compared with emigration, whether it was required or not, and what operated to increase the salary and the number of officials employed? A. And in connection with that to give you an idea of the head tax itself; the legislature of the State of New York, which created this commission, intended that the head-tax should be $1, and no more; in the organic law of the commission the head-tax was a dollar; at the same time, or previous to that, there was another law by which there was a hospital tax for the support of the Marine Hospital of 50 cents; after this commission was created the legislature transferred the Marine Hospital and every thing connected with it to the commission and gave it charge of this hospital fund; at that time both this head-tax and that hospital tax were direct taxes; the head-tax was not as it is now the commutation of a bond; it was a direct tax of $1, and a direct hospital tax of 50 cents; at the time this commission was created there were suits going on in the State of Massachusetts and the State of New York relative to the constitutionality of this hospital tax; the suits being instituted by the shipping merchants as against the health officer — the health commissioner here and the health commissioner in Boston, who were the parties who received that money to be used for the support of the Marine Hospital; the United States Court in 1849 decided the tax to be an interference with commerce, and in deciding the hospital tax incidentally decided that the head-tax was unconstitutional; the legislature of the state in 1850 then changed the law requiring from the ship owners a bond for each passenger and giving them the option of paying in lieu of that bond $1.50, which was the original $1 head-tax and the original 50 cents hospital tax; that is how the tax came to be $1.50.

By the CHAIRMAN:

Q. The duties of both were transferred to this commission? A. Yes, sir; owing to the excessive county claims — the emigration of 1852 and 1853 was very large; it was composed, to a great extent, of impoverished people, a great portion of them being poor tenants, evicted from their holdings in Ireland, and some in England, and sent here by their landlords; at that time there was a good deal of public work in the state, railroads building, and the commissioners would send these men out on the works.

The works would cease in the winter and these people would become inmates of the various alms-houses in the state, increasing the claims on the fund to a numerous extent; I think in 1853 the county claims amounted to $150,000; that was in 1852; the commissioners went to the legislature, in 1853, and asked them to increase the head-tax to $2, to enable them by this additional 50 cents to meet these county claims;

the legislature did increase the head-tax to $2, but put a clause in the law setting apart this additional 50 cents for the payment of these county claims; the head-tax remained at $2 until 1867, when they then made another application to the legislature having recommended in previous reports, of 1854, '55, and 1856, I think, the necessity of increasing it to enable them to complete the buildings required on Ward's Island, and to meet the additional cost of all supplies owing to the difference between gold and paper money; it was in 1866 that I first suggested to the commissioners not to ask this increase of the head-tax; that I thought they could get along without it; that they were only irritating and exasperating the steamship interest which was then growing to be very large, and they were continually complaining that the commissioners were harassing them, not only by this agitation of the head-tax, but also by another means, of what was called special bonds; those were bonds that the commissioners had the right to exact in addition to the payment of the head-money, for all persons landing here, who were found to be lame, blind, idiots, lunatics, cripples, woman and child or children, and without a husband in the ship with her, or, as the law reads, "Or any person liable to become a public charge," well, that is a very sweeping clause; the shipping interest had first to pay the head-money in lieu of the general bond, and then was liable for a period of five years for any person whom the commissioners might demand a bond for under the special act; those bonds extended over a period of five years, and they kept on lapping one over the other, so that a person wanting to sell his interest, or a line wanting to go out of business, they could not settle up their business on account of these bonds that were hanging over them all the time; these two things were exasperating them very much, and were inducing them to establish lines to other ports, and I suggested to the commissioners not to ask this increase; that I thought by economy that they could get on without it, but they said "no;" they insisted on having it; they went to the legislature, and the legislature granted the increase, making it $2.50; that was in 1867.

By the CHAIRMAN:

Q. In the law of 1867 was the provision kept in that as was in the law of 1852, requiring 50 cents for each emigrant to be set apart to defray county claims? A. I think it was.

Q. Was it repealed or left in that law? A. I think it was left in, but I think it was left out in 1869; when the head-tax was increased to $2.50 in 1867, there was a limitation put to it, that it should continue for two years only; in 1869 the commissioners induced the legislature to strike out the limitation and let it go on; well, you can

naturally suppose that the steamship interest was exasperated still more when they found what they alleged was a trick played them by the commissioners of emigration in going up to the legislature and having this limitation taken off and extending the increased head-tax without a time; this was when I first suggested to the commissioners not to, and I have always opposed this large head-tax, because I thought it was unnecessary, as far as the necessity of the commission were concerned, and I thought it was injurious to the interest of the port, and the city and State of New York, and as an evidence of that, I think the change in emigration from the port of New York to other ports, is the best evidence of the correctness of my views in that respect, in 1865 —

Q. Keep on with your narrative down with the different years; you have got down to the law of 1869 now; continue the narative along to 1871, so that we may know what action has been taken by the legislature? A. In 1870, when the predecessors of the present board came in, some of them talked with me about it, and some of them had already talked with some of the steamship people; I think Mr. Bell was one of those, and being himself connected with steamers, it brought him in contact with steamship people; Mr. Nicholson was another, I think, and on account of his connection with the dry dock, was brought in connection with them; and they felt that the tax was too high and that the shipping interest was being embarrassed by it, and I think within a month after the board was organized the resolution was adopted to the effect that it would be to the interest of the city and State of New York to reduce the head-tax, and that the board determined to carry on the institution, if it could possibly, on a head-tax of $1.50, although they were receiving $2.50 at the time.

Q. That is the resolution of May 26, 1870? A. Yes, sir, I think it was; I think it was within a month after they came in office; then in January of 1871, they repeated that resolution and agreed to embody a recommendation to that effect in their annual report; they did embody it in their annual report.

Q. It seems that there was a committee on the part of the board appointed? A. Mr. Wallach, Mr. Barr, and I don't remember who the third was.

Q. Mr. Lynch? A. I think Mr. Lynch was one of the members of the committee; the committee was three or five.

Q. A committee of three? A. They had a consulation with the steamship people here in this office; there was a difference of opinion between the commissioners and the steamship people, as to the understanding came to between them, in case the commissioners agreed to recommend a reduction of the head-tax; I was not present at the meeting;

I was absent, I think, from the city the day it was held; the commissioners claimed that the steamship people agreed, in case the legislature reduced the head-money a dollar, that they would reduce the passage-money; the steamship interest claims that they did not agree to any thing of the kind, for the simple reason that they could not agree to it; that they were simply agents, and before agreeing to any thing of that kind, they would have to consult their principals in Europe; but they did offer this, that if after consulting with their principals, they found they could not reduce the passage-money to 4 shillings and 6 pence, or 4 thalers, or whatever the German money equivalent to a dollar is, that they would more than make up to the passengers in better fare and improved accommodation; that bill became a law, and, in 1873, to old board proposed to have the tax increased again to $2.

By Mr. ALVORD:

Q. 1873 or 1872? A. I think it was 1873.

By Mr. WAEHNER:

Q. The next annual report of the legislature, was after the passage of this bill? A. Yes, that is true.

Mr. ALVORD — The law was passed in 1871.

By the CHAIRMAN:

Q. They complained in their report which was made to the legislature at the beginning of 1872, that the steamship companies had not carried out their agreement to reduce passage-money? A. I know, that is what they claimed, while the steamship interest claims that they did not agree to do that; that they could not agree to do it, simply because they were not principals; they were only agents.

Q. Now, the recommendation was made in 1872, to increase it; now state what was done? A. They asked me to go to Albany; I went to Albany, but, as I thought, the application was an unwise one, and an unnecessary one, I didn't take any particular interest in trying to have it passed; I went there because I was sent.

By Mr. ALVORD:

Q. You was then in their employ? A. Yes, sir.

By the CHAIRMAN:

Q. You didn't want to be convinced against your will? A. No, sir; I took the same ground precisely, that I took in 1867, with the board that was in office then; but they had some grounds for it; they said: "Here we are in the middle of war prices; all our supplies are enhanced in cost; we must complete our buildings; we require, among

other things, a lunatic asylum, and before we begin the construction of it, we must have a sufficient fund on hand ;" but, from that time down to the present, I have never changed my mind on the subject that this commission could always have been managed within the past five years, at least, on a head-tax of $1.50, and that a year of large emigration would leave such a surplus, over and above expenses, as to carry the commission through a small year; for instance, in 1863, there was an emigration of 157,000; that emigration was handled by the board in office at that time for $155,000, including county claims and all; that is about 99 cents a head.

Q. Now, to go back, if you will give the committee a statement of the duties of the commission in 1847, and when they were increased from that time down, if you can give us a general idea, we don't care about the details, what duties the commission had, what they did do with emigrants upon their arrival here? A. In 1847, the office of the commissioners was in what was known as the old Alms-house building, in the park; the only buildings they had under their control, were the quarantine buildings, and all the emigrants who were not sent to the quarantine hospital were sent to the alms-house in the city, or to private hospitals which had formerly been used by the shippers, when they themselves took care of the emigrants.

By Mr. WAEHNER:

Q. In this connection, I should like to ask you if the commissioners of emigration held themselves responsible to pay for the care of keeping the emigrants? A. Certainly; out of the head-money they were receiving; by degrees, they leased ground on Ward's Island, and put up buildings and began taking care of them themselves; I think the first building that they erected, or they used on Ward's Island was in the winter of 1847; they found an old building there; the next buildings they erected were in 1848, and 1849, and, from that time down to 1873, they have been either repairing old buildings or erecting new ones.

By the CHAIRMAN:

Q. That is a point that I wish to call your attention more particularly to, as to the treatment of emigrants and their reception; I see now, a great deal of machinery here, that all of the passengers came into this building, a boat is sent out and their baggage is brought here, and all marked and designated; the emigrants are sent in any direction, without any trouble to themselves, to any part of the country they desire to go; what I want to know is, whether or not the commissioners of emigration did any thing in respect to that, or

whether the steamship companies brought the passengers here and landed them, and let the emigrants go where they pleased.

Mr. WAEHNER — To put it in another way, let him describe from year to year, what increased facilities the commission of emigration afforded to emigrants.

By the CHAIRMAN:

Q. Take them in 1847, after the commission got to running nicely, what facilities the commission had for the care and protection of emigrants, if any? A. They had none, except disbursing the funds to other parties, who took care of them on their account; that is, when they were sick or disabled or destitute.

Q. But the well emigrants, the commissioners had no facilities nor didn't exercise any care or protection over them; they landed here on the dock the same as any passengers? A. They could not at that time, for the reason that they could not obtain any place whereat to land emigrants; they tried in 1849; they rented what is known as the Hubert street pier; it was then used as a dumping ground for the city sweepings; the people in the neighborhood obtained a permanent injunction against the commissioners, admitting that they had rather have the pier used as a place for dumping garbage, than to have it used to land emigrants on; there was a feeling of intense dislike, partly based on fear on the part of the people of the State of New York at that time, about emigrants.

By the CHAIRMAN:

Q. Probably we can get at it in this wise: you have stated that the amount of salaries in 1847, and for some time thereafter, was about $20,000? A. Yes, sir.

Q. Now, if you will tell us what persons were employed in those days, and their duties, then we can see what the commission did upon that statement? A. There was a superintendent and a cashier, and a purchasing agent and a secretary; that is five; there were three other clerks, eight; and one other, nine; two drivers of sick wagons, eleven, and a messenger or porter, twelve; twelve employees at that time.

Q. They were all employed? A. All.

Q. With reference to the sick or disabled emigrants? A. And to the destitue, those requiring advice and relief.

Q. The sick, disabled or destitute? A. Yes, sir.

By Mr. WAEHNER:

Q. Of course, there were no expenses at that time, as there are now entailed upon the commission, in reference to the care of emigrants at Ward's Island, except such as were in the hospital? A. Certainly not.

Q. There was no care taken of the lunatics? A. They were taken care of in the alms-house.

Q. Of course the facilities afforded at Castle Garden for the protection of emigrants from ticket swindlers, and the facilities afforded by the United States bureau, were not so extensive, and in some cases did not exist at all as they do now? A. No, I was going back to 1849; the commissioners were disappointed in obtaining a landing place in 1849; they continued trying from 1849 until, I think, it was 1855, this Castle Garden was obtained by them and retained after severe effort on the part of J. Philip Phœnix, who lived in this corner brick house here, and some other residents in the neighborhood, to drive them away; and they were then, for some time, unable to afford to the immigrants the proper attention to which they were entitled, and which the law expected them to get through the commission; of course, obtaining Castle Garden required additional service; it required additional offices; I never could understand why each new commission that came in split up the duties of the offices, and divided them into two, three and four parts, simply because these men were in fear they might lose their place through the persons who were seeking to get office, and would recommend to the commissioners that their labors were too severe and too onerous, and that if they had one assistant or two assistants to help them it would be much better; well, the commissioners probably would, out of kindness of heart, say: "Well, we don't want to lose this person, but we will appoint somebody to assist him," and that is the way that the pay-rolls have grown in ten years, from $60,000 to $140,000.

Q. You say that, in 1855, for the first time, the proper and necessary facilities were afforded to the emigrants? A. Yes, sir.

Q. Did the commissioners at that time have charge of Ward's Island? A. Yes, sir.

Q. What were the buildings that were erected there at that time for the care of emigrants? A. In 1855?

Q. In 1855. A. I don't think that any of the buildings — yes, there were a few of the one and two-story brick hospitals, what have been known as the pavilion hospitals, being structures isolated from each other — separated from each other — and the present two large frame buildings which you may have seen in case you visited Ward's Island, as I believe you did; but the brick hospital, the present lunatic asylum and the other large brick buildings were then not in existence.

Q. Were these facilities in 1855 on Ward's Island, ample and sufficient for a proper care of the emigrants who might become charges upon the commission? A. They were at that time, I think, but a great many of the buildings were wooden structures, and, of course, the commission knew that they would go to decay, and they were always

making preparations by saving the fund, as far as they could, to erect structures of more durable character of brick.

Q. Were these facilities sufficient because of the diminution of emigrants, or the fewness of emigrants at that time, or was emigration large at that period? A. In 1853 or 1852 was the largest emigration that ever came to the port of New York; it was 320,000; it then diminished, fell off until it reached the minimum in 1857, I think it was.

Mr. LYNCH — 1854?

The WITNESS — 1854; I think in 1857 it fell off to 65,000.

Q. If I understand you, prior to 1850, there was no law in this state requiring the commissioners of emigration to support indigent emigrants? A. Yes; there was.

Q. If I understand you correctly it was in 1850, the law was passed requiring this bond to be given — for the steamship companies to give a bond, and in that law was inserted a provision that the commissioners of emigration should support indigent emigrants for a period of five years? A. No; you misunderstood me.

Q. When was that law passed? A. That was the law of 1851; it was in 1851 that that was passed; but under the organic law the commissioners were required to take care of and provide for all emigrants arriving here.

Q. That was upon their arrival? A. And for five years after; that was the organic law that required that, but in 1851 a law was passed creating what is called special bonds.

Q. Probably I have understood you wrong, but I have understood you that the tax was *per capita*? A. Yes, sir.

Q. Now, in that *per capita* tax were the commissioners required to support them five years? A. Yes, sir; but I probably did not explain it to you clearly; now I see what you want; the commission was required by law to support the emigrants for five years out of this *per capita* tax of $1, as it first was, but in 1851 was created the special bond which imposed on the ship owner the support for five years of certain classes of emigrants.

Q. The classes that you mentioned? A. Yes, sir, and in that the law is so sweeping that commissioners after getting the head-money might bond every passenger in the ship, because it says — the last portion of the law says: "or any person likely to become a public charge."

Q. That is what irritated the steamship interest? A. Yes, sir.

Q. That irritated the steamship interest more than the tax itself? A. Certainly it did, because they never could calculate what the expenses of any certain emigrants bonded under that act would be.

Q. It was in the nature of a mortgage on the company? A. Yes, sir; that is it.

By Mr. WAEHNER:

Q. Has it ever been the practice of the commissioners to enforce this bond? A. In the early years they did, but the steamship interest — well they became almost violent against it, and one of them, a very respectable merchant, told one of the former commissioners that he thought that they were a lot of swindlers.

Q. They have discontinued the practice of enforcing this bond in later years entirely, haven't they? A. Yes, sir.

By the CHAIRMAN:

Q. Well, now as to the constitutionality of it; the steamship interest have threatened to contest it, and the commissioners have resorted to a species of compromise to get what they could? A. Yes; when that law was passed in 1851, it was passed at the request of the commissioners of emigration, to protect the city and state against the influx of paupers; as I said before, it commenced about 1849, or indeed it commenced just after the famine in Ireland, when these landlords began evicting their tenants, and in order to avoid the expense of supporting these poor people, they shipped them in whole shiploads from London and Liverpool, here, paying the passages themselves, of 300, 400, 500, and 600 people, off of one landlord's estate; these people were landed here in a state of utter destitution.

Q. That class of men were shipped here in British vessels? A. No, in American vessels, and during the same years those principalities in Germany, Hesse Cassel and Hesse Darmstadt were shipping off their paupers here; while Belgium was adding to it by shipping her criminals; she went a little ahead of any other country.

Q. And in view of that species of emigration, this law of 1851 was passed? A. Yes, sir; or 1852; a war vessel of Italy came out here with a ship load of 200 political prisoners, and landed them here — thought they had a right to leave them here.

Q. That this was the land of the free as well as the home of the brave; now you say when the commissioners obtained Castle Garden, an increase of force became necessary? A. Yes, sir.

Q. Now, give us your views as to what increase was actually made, and what in your judgment was actually necessary? A. In 1855 I think they got possession of Castle Garden, or 1857; 1857 I think; they had nothing but this rotunda and two small wooden structures which stood below here; in 1863, I think, or 1864 — Mr. Gedney, the builder of the Labor Exchange, can correct me if I am wrong as to the year when it was built — 1864 I think that building was erected, and this building here; at the same time they erected this addition for a United States bureau, and for a bureau which is known as the Ward's

Island Bureau; in the next year they erected this structure which was used for hospital purposes, and a reception and waiting-room for sick emigrants, awaiting their departure to Ward's Island; of course those things necessitated an increase of the force.

Q. Did the commissioners employ any more force than was necessary? A. At first they did not.

Q. Now, at a subsequent period this division of labor commenced? A. Yes, sir.

Q. When did that first commence? A. That commenced, I think, about 1861.

By Mr. SCHUYLER:

Q. That is before the present board come in? A. Yes, sir.

By the CHAIRMAN:

Q. This board did not come in until 1873? A. And year by year the force has been growing; it seems that the applicants for office become so exhausted by the severe labor of getting the place, that they seem to think that they have got nothing to do except draw their salaries afterward and find a place for somebody else to save their own position to themselves; that has been going on in this department for 12 years.

By Mr. WAEHNER:

Q. Do you say that this system only commenced in 1861? A. Yes, sir.

Q. And has continued up to the time that you left the board? A. And continued a year and a half after that—20 months after that.

By the CHAIRMAN:

Q. I understand, Mr. Casserly, that even after the present board came in, the increase or division of labor was as marked as in any previous year? A. Oh, yes.

By Mr. WAEHNER:

Q. Now, as compared with the facilities now afforded at Castle Garden, or afforded last year, when was the year that the salaries were high? A. In 1871 and 1873.

Q. As compared with the facilities afforded in 1873 by the commissioners of emigration, what were the facilities in 1861; were they the same? A. No, sir; this labor bureau and this United States bureau, those are the only two bureaus, I think.

Q. Was there a necessity for having a greater number of employees at Castle Garden and Ward's Island in 1873 than there was in 1861,

excepting these additions, leaving those out that were made in 1864? A. Yes, sir, by an increased number of buildings.

Q. Were these buildings absolutely necessary to a proper care of the emigrants? A. I think they were, and I don't think there was a single structure on Ward's Island that was not required.

By Mr. SCHUYLER:

Q. Or here? A. Or here.

By Mr. WAEHNER:

Q. Take the year 1862 as compared with 1873; do you make the same statement as to that, or do you have any occasion to vary it? A. I think not.

Q. Take 1863? A. Eighteen hundred and sixty-three is the year that I referred to a little while ago, when an emigration of 157,000 was handled at an expense of $155,000, including county claims.

Q. Did the board, at that time, have a surplus in the treasury? A. Yes, sir; that year the head-money was $2; they received $314,000 and spent only $155,000 of it.

Q. For salaries? A. For everything.

Q. Was there any construction done? A. That is the actual handling of the emigrants; that does not include the buildings; the difference between $314,000 and $155,000 was expended on buildings.

Q. The $155,000 was expended on supplies and salaries? A. And county claims; every thing but permanent improvements.

Q. Take the year 1863, did the same facilities exist then as exist now, or as existed in 1873? A. Excepting these structures which were erected in 1864.

The CHAIRMAN — Just leave those out, if you please, until you come to that year.

Q. Do you say that the same facilities existed in 1863 as existed in 1873? A. I think so; yes, sir.

Q. There was not the same number of buildings on Ward's Island that required care? A. No, there were not, because the cause of the application for an increase of head-money in 1866 was to erect this lunatic asylum and other permanent structures required.

Q. In 1864 these two departments were instituted that you have spoken of, there were no new buildings put up until 1866? A. On Ward's Island.

Q. And this system of appointment continued through the whole time that you had any thing to do with the board, and even some time after that? A. Yes, sir.

Q. Was this owing, in your opinion, to political influence, or what

was it attributable to? A. Well, at that time not so much political influence; partly political; partly personal.

By the CHAIRMAN:

Q. Partly benevolence? A. Partly benevolence.

By Mr. WAEHNER:

Q. Did that operate so far as to discharge proper and competent employees to make room for political favorites? A. I think it did; indeed I know it has.

Q. Can you mention any particular instance of it? A. Well, the officers who were put in, and may not be at present in the employ of the commission, might feel aggrieved if I disparaged them; if I mentioned their names; it might not be fair.

The CHAIRMAN — Perhaps he should not be pressed to make any thing personal.

Q. Did this system prevail, to any great extent, of removing proper and competent people and substituting in their place persons appointed solely from political influence? A. Not to any great extent until, I think, in 1873, when this present board came in.

Q. Then you think that the occurrence was very glaring in that respect? A. I will illustrate it; in eight months they changed — didn't remove, but changed — 50 per cent of their employees at Castle Garden.

Q. Substituting others in their places? A. Yes, sir.

Q. Didn't abolish the offices, but simply changed the persons? A. Simply changed the persons; and when they were asked by you gentlemen — not the present legislature, but the former legislature — "Why is your pay-roll so large?" they said: "Because we can't discharge our old experienced clerks," when their "old experienced clerks" consisted of 50 per cent of people who had been in their service only two, three, four, five or six months.

By Mr. ALVORD:

Q. When was that? A. In 1873.

Q. There has not been any investigation since 1872? A. No, sir; they would say all the time, "We can't discharge our old experienced clerks; we can't replace them in case emigration becomes large, and we require additional force;" and yet at the very time they had already displaced 50 per cent of their old employees.

By the CHAIRMAN:

Q. If I understand you, one of the principal causes of complaint was — here is a man employed in the establishment, and some one wanted another man appointed in his place? A. Yes, sir.

Q. This appointment would take place, but the man would not be removed, and still would be drawing his salary? A. The duty would be divided.

Q. They would divide the duties between two or three men, when one man could have performed the duties assigned to three or two as the case might be? A. That is just it; and they would place me in this position; they would say: "Well, do you think there is more help required there?" I would say, "No, I don't think there is." "Well, so and so says that he is worked to death," as they would express it, or, "if he is not relieved of a part of his duty he will get sick."

Q. Now, if you will be kind enough to inform the committee of any one or more of the particular cases where this division of labor took place; I don't care so much about the names of the parties as the office where it took place? A. I remember in 1863 and 1864—I was then superintendent—I had two clerks and a porter assisting me; a porter to go on messages down to the lower part of the building and out; that was increased by a deputy superintendent, by two assistants, and an additional clerk and an extra porter.

Q. And all those you regarded as unnecessary? A. Well, I thought they were.

By Mr. WAEHNER:

Q. You had previously discharged the same duties as were subsequently discharged with the increased force? A. Yes, sir.

Q. The duties of the office were in no wise increased? A. Not at all, in proportion to the increase of numbers or the increase in the pay-roll.

Q. If there is any statement that you desire to make with relation to the management of the commission, so far as salaries and offices are concerned, besides what you have already stated, we would be willing to hear you generally? A. This board came into office on the 1st of May, 1873; in their report of that year, made to the legislature in 1874—no, not in their report, but in the memorial which they addressed to the legislature in 1874, asking for an increase of the head-tax—they say that from the time they came into office they saw that emigration was going to fall off, and yet for eight months, foreseeing the falling off of emigration, they continued the pay-roll aggregating $140,000, I think, with a diminishing emigration, and they never attempted to reduce the force except in the month of September; they did abolish two bureaus, and kept the men on the pay-roll; that they did.

Q. December, 1873? A. 1873, yes, sir.

Q. What were those two bureaus? A. They were the forwarding bureau and postal bureau.

Q. They abolished the bureau and still retained the men? A. Still retained the men on the pay-roll, and one of those men was the chief clerk in the forwarding bureau; he was receiving a salary of $1,800 a year, or $150 a month, but he was a political appointment and the superintendent, my successor, with the consent, I presume — for I don't suppose he would have done it otherwise, without he had the consent of the commissioners — employed him to look over the minute-books, to read resolutions that had been passed in the previous 10 years; they kept him at that work for about, I think, a month, and then they made a place for him by discharging one of the most efficient clerks on Ward's Island, a Mr. Van Poser, but the Germans raised such a racket about that, and very justly too, I think, because I thought it was an outrage to discharge that gentleman at that time.

Q. Was he replaced? He was put back again.

Q. How long had he been in the service? A. I think six or seven years; an accomplished man, a linguist, and every way fitted for such a position.

Q. I think I read articles in the newspapers, and heard it said in meetings held at the time, that when the present commission of emigration came into office, they made a practice of removing all persons of foreign extraction, that is, foreign nationality, or entered largely into that practice? A. I think they did; I know that it was the common expression on the part of my successor, when he would lose his head a little, he would go around the building and say, "when I came here every officer that I knocked against was either a Dutchman or an Irishman."

Q. Who was that? A. Mr. Webster; and says he, "I have changed it" — "we have changed it;" that was a common expression of his.

Q. I think you have stated that the first eight months about 50 per cent of the persons were changed purely on political grounds? A. Yes, sir.

Q. And in this number were those persons included that I have spoken of, as foreigners or of foreign extraction? A. Yes, sir; they were.

Q. Now, go on, Mr. Casserly? A. Another person who they employed was a person named — well I won't mention his name, it won't be right, but he was related, as I understand, to the late executive of the state; he was appointed as a boarding officer at the quarantine and if the statements made to me about him were true—and the commissioners had the same opportunity of finding out about his conduct that I had — he ought not to have been kept in the service 24 hours; they did finally take him away from quarantine and appointed him as an inspector

of boarding-houses here; he was suspended by, I think, the then president of the German Society, who found him playing dice or playing cards, or something or other, in one of the little houses on the dock; in place of being discharged then he was sent up to Ward's Island to another position, and only after an exposure in the press was he dismissed; now, the commissioners say that the disclosure in the press had nothing to do with his dismissal, but his dismissal was not made until after the press referred to it.

Q. During the time that you were in this commission did you notice whether there was any want of harmony existing among the members on these grounds, or any thing of that kind? A. Yes, sir; there was a want of harmony.

Q. When did that first arise? A. It showed itself with reference to a building erected on Ward's Island for the use of the Catholic emigrants to worship in; I really don't think that that was at the bottom of Mr. —— of one of one of the commissioners' opposition or agitation, rather of that question; I think it was because he thought that a sufficient consideration was not shown to him.

Q. Who was that commissioner? A. Mr. Wallach; because he could not induce six or seven commissioners to agree with him, or in other words, because they would not allow the tail to wag the dog, that he, to get satisfaction commenced the agitation of that question, knowing that it was a question that would cause a great deal of unpleasantness in the board; I don't think that he had much feeling in the matter.

Q. Was that feeling finally allayed by the adoption of a resolution of the board in relation to the occupation of that chapel? A. Yes, sir; it was.

Q. That disposed of that issue? A. That disposed of that.

Q. Was there any other thing which operated to mar the harmony of the work of the commissioners as a body? A. Well, there always has been in the commission for the last 10 or 12 years occasionally jealousy in the way of appointments; they would say: "There ought to be a German there," "there ought to be an Irishman there," in such a position, because the emigrants of these nationalities are not looked after with the same interest that they would be where a representative of themselves occupied the position.

Q. Do you know of any instance — I understood that it was charged at the time when the present commission came into office— do you know of any instance where German-speaking nurses, or German-speaking physicians who, of course, understanding that language well, and the emigrants of that nationality not being able to speak any other, were removed, and persons who were not familiar with the lan-

guage appeared in their place, to take charge of them? A. I think that has been done; I could not specify, but it was reported and was understood to be so.

Q. Without any ground except to make political changes? A. To make political changes, although I think that refers not so much to the nurses as it does to the higher grade of officers.

Q. In 1871, as you are aware, the board of commissioners adopted a resolution asking the legislature to reduce the head-money? A. Yes, sir.

Q. Do you anybody by the name of Michael Nolan? A. I do.

Q. Who, at that time, was interested with the steamship companies? A. I do.

Q. Can you give the committee any information connected with his transactions, his employment, if you know any, either from hearsay, or from your own personal knowledge?

By the CHAIRMAN:

Q. Did you know Nolan then? A. I think I did, but very slightly; but the first I ever heard about that affair was, I think, from Mr. Wallach, and that probably was subsequent to the time — I presume it was — that he referred to in his testimony the other day, when he said that Mr. Schwab had told him about this contract; that is the first time I ever heard of it, and, even then, I didn't know what Nolan it was, and I didn't know whether the name was Nolan or Noland, or what it was.

By Mr. WAEHNER:

Q. What did Mr. Wallach inform you at that time? A. He said that such a contract had been made, and some time after that I asked — I don't know which — some of the steamship companies about it, and they didn't give me any satisfaction; I told them that I had heard so, and said to them, "Why, that was entirely unnecessary for you people to do, for the simple reason that the commissioners of emigration passed a resolution requesting the legislature to do this;" I don't know which of them it was, whether it was Mr. Schwab or who it was; they didn't give me any satisfaction about it, and I didn't pay any more attention to it until the investigating committee of 1872 came down and they had before them Mr. Williams and Mr. Schwab, and then I heard it was Michael Nolan.

Q. Hadn't you met Mr. Nolan while he was acting as a prosecuting officer for the commission of emigration in certain proceedings? A. No; I may have seen him when Gen. Jones was counsel for the board, and when I would go to see Gen. Jones on business of the commission, I may have seen him then, but I don't remember if I did see him; I think I did; I presume that I must have, but I knew him very slightly.

Q. Do you know whether Mr. Nolan had any particular influence through any persons, or his own personal influence, or whatever cause, operated to impel the commissioners to adopt that resolution? A. I don't think there was any influence exercised on the commission, or that they had any other motive in passing the resolution, except to satisfy the shipping interest, as they believed at the time—I think they were honest and sincere in it—to prevent emigration from going away from this port, and to retain it here.

By the CHAIRMAN:

Q. What we want to know, if you can give the committee information, if you have any, of your own knowledge, or acquired otherwise what should induce these steamship companies to leave their own counsel a man of standing, ability and reputation, and make an arrangement of that character with an obscure man like Nolan? A. Well, that is a puzzle.

Q. Now, if you have got any information that you can give to the committee, we would like to have it? A. I have none, except what was developed before your committee in the testimony.

Q. It is all a puzzle to me, you know that is the puzzle to solve? A. I also heard that the steamship companies had made a similar contract with some other firm; that is all I know about it; when that was, or if it ever was, made, I don't know; that I read in the testimony also; that is all I know about it.

By Mr. WAEHNER:

Q. In your conversation with these steamship agents about this affair you said to them, as you stated a little while ago, that it was absolutely unnecessary for them to make any such contract, as the commissioners had adopted a resolution of that character, requesting the legislature to do so? A. Yes, sir.

Q. Did the persons with whom you had this conversation state that they had entered into this contract without a knowledge of that resolution being in existence, or before the resolution was passed? A. I don't remember now; it is so long ago.

Q. What is your impression? A. I got very little information from them about it, other than an admission.

By the CHAIRMAN:

Q. These agents were unwilling to talk? A. Yes, sir.

By Mr. WAEHNER:

Q. After making a suggestion of this kind to them, that it was unnecessary to employ him, they might very naturally make some

remark as to whether they had any knowledge of the resolution being passed or not, at the time when they entered into the contract? A. No; they did not.

Q. Did you go to Albany in 1871, in relation to this business? A. I don't think I did; I am pretty sure I was not in Albany in 1871; I was there in 1870, and I was there in 1872.

Q. You have explained your connection in that matter, as the representative of the commissioners of emigration? A. Yes, sir; in 1870 I was up there; the commission that were legislated out of office requested me to go up and see what was going to be done with them, what their fate was going to be; I was up there; then and in that connection I notice that Mr. Wallach says that his appointment was due to the action of the German society; well, if Mr. Wallach doesn't know I could tell him how his appointment was made; when the bill was reported it had only seven names in it, and the next morning I met Mr. Ottendorfer and Mr. Magnus Gross, in one of the corridors of the Delavan House, and they said they were going to see Mr. Sweeny, and have Mr. Wallach's name put in the bill, and the next day the bill was reported with two additional names, Mr. Wallach and Mr. O'Gorman, Mr. O'Gorman being added on as a balance against Mr. Wallach; that is how Mr. Wallach got his appointment, and that is what brought me up to Albany that year; I felt a little interested for myself, and the commissioners felt an interest for themselves; they didn't care to be legislated out, but it was of no use, the bill went through without any opposition.

Q. In 1872 you went to Albany, as you have stated, for the commissioners of emigration? A. Yes, sir.

Q. Did you in that year meet Mr. Nolan before the committee of commerce and navigation, or see him in Albany? A. I don't remember that I did; I didn't go before the committee on commerce and navigation, because, as I mentioned before, I didn't feel any interest in the passage of the bill, thinking it was unnecessary, unwise and unjust to ask that increase.

By the CHAIRMAN:

Q. Was there any one there urging its passage? A. No, sir.

By Mr. WAEHNER:

Q. Do you know, Mr. Mackey, who introduced the bill? A. I know him by name, but I don't think I know him by sight; I knew he came from one of the city districts.

Q. You didn't speak to him in 1872? A. No, sir.

Q. You say you did nothing at all to pass the bill? A. No, sir.

Q. Did you do any thing to oppose the passage of the bill? A. No, sir; I didn't take any part in it.

By the CHAIRMAN:

Q. Mr. Nolan wants us to understand that there was a great effort being made in 1872, to pass this bill, and in consideration of his services in the defeat of the bill in 1872, he continued this 25 cents charge upon these steamship companies; I want to know whether there were any active measures to pass that bill in 1872? A. He may have thought this, Mr. Speaker; I don't know what he did think, but he may have thought this, that as the commissioners were always successful before in getting the increase they asked for, that he thought they would be this time; that may have been his supposition, and he probably exaggerated his influence.

By Mr. WAEHNER:

Q. Do you know whether there was any argument had before the committee on commerce and navigation, in relation to that bill? A. Not in favor of the bill.

Q. You know there was no person there in favor of the bill? A. I saw no one as far as I know; I know that no commissioner went up there that year.

Q. And you didn't go before the committee on commerce and navigation? A. I did not.

Q. Nor make any argument there? A. No; I did not.

By the CHAIRMAN:

Q. Do you know whether any person appaered before the committee and made an argument in opposition to the bill? A. I don't know, of my own knowledge; I think Mr. Wakeman said he did.

Q. Not in 1872; in 1873 and '74 he was there? A. Then of my own knowledge, I do not.

Q. Now, you know enough about legislation, Mr. Casserly, to know that if a bill is before a committee, and no person appears to advocate it, the committee wouldn't be very likely to report it? A. No; I don't think they would.

By Mr. WAEHNER:

Q. You went to Albany also in the winter of 1873, did you not? A. Yes, sir; I was up there in 1873.

Q. Did you go up there for the commissioners of emigration? A Yes, sir.

Q. And about that time also there was a change contemplated in the commission? A. Yes, sir.

Q. Did you go up there in relation to that bill? A. In great part.

Q. Was there any thing done in that year in relation to head-money? A. No, sir; none at all.

Q. Nothing at all done? A. No, sir.

Q. In 1874 you also went to Albany, did you not? A. Yes, sir.

Q. And there was a bill before the legislature then to increase the head-money? A. There was.

Q. Will you tell the committee what you had to do with the matter? A. I will; one of the steamship agents sent for me after the legislative session commenced, and said the commissioners were going to apply to the legislature for an increase of the head-money, and asked me if I would go up there and oppose it; I said "no;" that I felt a little delicate on account of the recent severance of my connection with the commission to appear publicly against it, although I was opposed to the increase, as I had been for eight years previous, but that my brother was a lawyer, and if they chose to employ him they might do so, and he was very conversant with the affairs of the commission and emigration statistics, and that I would be up in Albany in reference to another institution with which I am connected, and that I would give him any aid I could; I was up there, although I didn't do very much; he did the principal part of it himself, the preparation of a memorial and the preparation of the argument to be addressed to the committee; Mr. Ganson, of Buffalo, had precisely the same views on the subject of this head-money that I had; I had talked with him, and I couldn't have said any thing in opposition to it that Mr. Ganson did not of his own knowledge say; he seemed to be thoroughly posted on it, and, as Mr. Wakeman said, he made the great argument in the senate against it, and the bill failed, getting, I think, 135, with 11 against it; Mr. Senator Johnson showed a piece of the extravagance of the commission; at the very time that they were bankrupt and hadn't a dollar, they printed their annual report on tinted paper, with gilt edges and bound in Morocco, and it was covered all over with felt.

Mr. LYNCH — That was done at the private expense of Mr. Webster, the secretary, Mr. Casserly's successor; it didn't cost the commission any thing.

The WITNESS — The cost of printing the report of that year, as appears in the financial table, is $2,014; you will find that, Mr. Lynch, if you look back to your financial tables.

Mr. LYNCH — You paid $1,800 the preceding year.

The WITNESS — I didn't pay any thing; those men spent money, too.

Mr. LYNCH — You are talking at random.

The WITNESS — No, I am not talking at random, I am giving you facts.

By Mr. WAEHNER:

Q. Your brother was then employed at your suggestion, by the steamship companies? A. Yes, sir.

Q. Did you have any share or interest in the fee, or money that was paid to him as attorney? A. None at all; it was a small one, I thought, for the service rendered, because I do not think that in the city of New York there are more than one or two gentlemen who could have drafted that memorial, embracing all the facts, and furnishing all the statistics which appeared.

The CHAIRMAN — No doubt about that, but what your brother's compensation was too small altogether, as he stated it; he did not put a high enough price on his services.

The WITNESS — I think some of the steamship people said afterward, that they really thought that the service rendered was worth a great deal more than he got.

Q. Now this year, Mr. Casserly, did you go to Albany in relation to the head-money bill? A. I did; I did not intend to take as active a part as I did afterward, but my name was dragged into the matter by a statement made before the committee on commerce and navigation, intimating that I had received a salary out of proportion to the services rendered to the commission; and believing that I never had — I have given the service to the commission, that no other body ever got, as far as fidelity went, greater — I thought it was very unfair, and I then did take an active part in it; I did not intend to do so when I went.

Q. Was your brother retained this year? A. He was retained this year.

Q. Did you have any share or interest in the retainer? A. No, sir.

Q. Any business connection with your brother in any way? A. None whatever; these steamship lines have been very kind to me at times, in giving me passages for friends of mine, or reducing the passage, and I felt kindly toward them; in addition to the fact which is always paramount in my mind, that the head-tax should not be more than $1.50.

Q. Did you at any time receive from the steamship companies any sum of money wherewith to employ counsel, or to employ any person in relation to the steamship interests, in Albany? A. No, sir.

Q. Or to pay for your own services? A. No, sir; all the money paid, they paid to my brother, and he kept it.

Q. And you had no share or interest in it, and do not claim any? A. I was only too much gratified at his success.

Q. Whilst you were in the department, did you at any time observe what system prevailed in relation to the purchasing of supplies? A. I did; yes, sir.

Q. Can you state now, generally — we have gone into detail upon these matters sufficiently — can you now state generally whether the system existing at that time was a wise and judicious one, or an improper one? A. Had the man appointed as purchasing agent done done his duty by the commission, I think it would have turned out to be an improvement on the old system, but from the developments made before the committee —

Q. Who do you refer to? A. His name was mentioned before the last legislative committee, his name was King; I do not suppose there was any one in the city of New York more surprised than every member of the board was, at the development; I am satisfied there was not a single one ever suspected for a moment the way he was behaving, but I think it is the judicious system to employ a purchasing agent, a proper man.

Q. Did you ever have occasion to observe whether the prices charged for articles were high or reasonable? A. Sometimes they were above the market rate, and his attention was called to that fact several times by the committee auditing the bills.

Q. Did any rectification follow? A. Yes; prices in the next bills would be lower, but then, of course, he had the opportunity of still dealing dishonestly, by buying inferior articles.

Q. Do you believe that there was any dishonest transaction, on his part, in relation to those dealings? A. They were shown before the committee; it was proven that some mercantile firms made out the bills at a higher price than they sold the goods for, and gave him the difference between the market price of the goods and what they charged.

Q. It was shown before what committee? A. The last assembly committee; Mr. Alvord's committee.

Q. I don't think there was any such evidence as that there, from my recollection of the evidence?

By the CHAIRMAN:

Q. The committee of 1872? A. The assembly committee of 1872, on commerce and navigation; he left New York, and could not be found, and the commissioners were going to prosecute him.

By Mr. WAEHNER:

Q. Do you now recollect any particular instance? A. It was in shoes; it was one of the largest firms on Broadway.

Q. What was the name of the firm? A. I think it was Hedges & Powers; one of the partners, I believe, was from the investigation shown to be entirely innocent; the firm dissolved in consequence of this disclosure, and Hedges was obliged to retire.

Q. Were there any other instances of purchases of that character that came to your knowledge, or that you can give us any information of? A. There was something else, not of the same character; it was one that was very reprehensible — with a grocery house; I think that he furnished supplies for his own house.

Q. What was the name of that house? A. I don't remember the name of the house; I cannot give you the name now, because I forget it.

Q. Do you know whether at any time any of the commissioners of emigration from 1870 to this time were, or are interested in any business which furnishes supplies to Ward's Island? A. That I don't know, sir.

Q. Or have had any interest in the purchasing of supplies for the use of the island? A. No; I could not say; I don't know.

Q. One or two questions have been suggested to me; you mentioned awhile ago that the steamship agents did suggest that they might, perhaps, change the food of the emigrants in consideration of the reduction of the head-money? A. They said that they would do so, and that they had done so.

Q. Did they in fact do so? A. I think they did; I don't think there can be any improvement made in the transportation of emigrant passengers across the Atlantic.

Q. Was this change temporary, or has it lasted for some time? A. I think it has lasted; I think it is a matter of self-interest with them, there is so much rivalry, and there are so many lines now.

Q. Is the care superior to what the requirements of the statute are? A. I think so; I think the best evidence is the fact that the mortality on the steamships is only one in 1,400 people carried; that is about the average mortality.

Q. Did you prepare any articles, or revise any articles for the newspapers, in 1874 or 1875 or 1873, in reference to this head-money? A. No; Mr. Wakeman was referring to my brother; I have written, personally, articles of my own, as communications, over my signature.

Q. But not general articles in relation to this matter? A. No, sir.

Q. From your experience in the board, you might be able to suggest whether you think this commission, as now constituted, as far as numbers is concerned, is too large and unwieldly, or whether any reforms in that respect are required? A. I think it is; I think it is too large a body; I think that the state could organize a commission called the commission of emigration and quarantine, to consist of three persons, to be paid; one of them could attend to quarantine, and one to Castle Garden, and one to Ward's Island; they could hold their meetings here.

By the CHAIRMAN:

Q. Put the whole thing under the control and jurisdiction of the commission? A. Of three men, to be paid.

By Mr. WAEHNER:

Q. And you would advise a salaried commission? A. Yes, sir; by all means; you get more efficient service, a great deal.

By Mr. GEDNEY:

Q. How long a time was you in office, after the present commissioners came in office? A. About a month.

Q. You stated that some eight months after they came in, there were suggestions made to you, after this new commission came in, as I understood you to say? A. No; I was speaking of their official action during eight months of their official term; I was referring to them, not to myself.

Q. Who did you mean when you said, "They said to me, 'This man's labor is in excess of what it should be?'" A. I was referring to previous commissions; I was referring to the general action of the commissions.

Q. In your opinion, what per cent of the employees, in 1870, were German and Irish, and what American? A. The proportion of Americans was small.

The CHAIRMAN — The Irish had their share, you can bet on that.

The WITNESS — Yes; they had.

Q. What proportion do you think? A. I suppose the proportion of Americans was 10 per cent; you must understand one thing, Mr. Gedney, that a man who has some familiarity with the habits and manners and customs of the emigrants, would be likely to get along with them more smoothly, and to understand their wants, than a man who didn't.

Q. I am aware of that; these questions arose in my mind, on account of this religious controversy that you spoke of, and of dismissing one class, and not another; in 1870, what proportion were there?

The CHAIRMAN — I did not understand that it arose out of any religious motives, but as a species of favoritism, for a person to get a particular friend appointed, without any reference to his nationality?

The WITNESS — Oh, no; that did not come in so much.

Q. You made a remark about your successor? A. Yes, sir; I stated what he used to say.

Q. My inquiry now is to state as near as you can the proportion for 1870 or 1871 or 1869, as the case may be? A. I suppose there were about 10 per cent Americans, and 90 per cent divided between principally the Germans and Irish.

Q. Will that percentage bear out about the same in 1874? A. I don't think it will; I think it was much increased.

Q. How? A. That is, the Irish and Germans diminished, and the Americans increased.

Q. In 1874? A. I think so, but you won't find it so much now as you would in 1874; the necessities of the commission compelled them, as did also public opinion, in my judgment, to reduce the force very materially.

Q. Were the steamship companies cognizant of the fact that the commissioners of emigration were urging the passage of the bill reducing the head-money in 1871? A. They must have been, because they had a conference here in this office with a committee of the board, and the resolution of the board, agreeing to recommend to the legislature the reduction of the head-money, was published in the papers.

Q. I am asking that because I understood that was your idea, or opinion, but the agents of the steamship companies come here and say they knew nothing about it — some of them do?

The CHAIRMAN — They knew nothing about the passage of the resolution.

The WITNESS — It was published in the papers; I know it was published in some of the papers, and I think in all of them, in the proceedings of the board.

By Mr. GEDNEY:

Q. I will ask you to reconcile, if you can, how it was with that conference with the commissioners and their passing such a resolution, still they were ignorant of the movement by the commissioners to that end? A. That I cannot tell you; I don't know why they should do it, except that they were willing to do any thing.

The CHAIRMAN — There isn't any conflict at all, Mr. Gedney, but the theory is that, before this subject was agitated in the board, Nolan made his contract, and after Nolan made his contract the parties back of Nolan operated with the board to get the resolution passed by the board, but they did not operate with the board until they knew that the arrangement was consummated with Nolan and the steamship companies.

Mr. GEDNEY — Previous to that time this conference was held.

The CHAIRMAN — Oh, no.

Mr. WAEHNER — No; it was held in January, 1871; they made their contract with Nolan in November.

The CHAIRMAN — Mr. Nicholson, who did the engineering of the thing, testifies that he thinks it was in November.

The WITNESS — Before that was the action of the commissioners of the 27th of May, 1870, the same month they came in office.

Mr. WAEHNER — It lay dormant an entire year, and nothing was done with it.

The WITNESS — There could not be any thing done with it for this reason, that it was a resolution to the effect that they would carry on the commission *if possible.*

By the CHAIRMAN:

Q. There was no intimation in the resolution that they would make an application to the legislature to reduce it? A. No, sir; there was not, except by implication.

Q. They declared they would keep their expenses within $1.50 if possible? A. Yes, sir.

Q. Who was president of the board of commissioners prior to 1870? A. Mr. Gulian C. Verplank.

Q. After 1870 who was president? A. Richard O'Gorman.

Q. You have stated that your brother was conversant with the affairs of the commissioners of emigration? A. Yes, sir.

Q. Was he ever an employee of the commission? A. He was.

Q. At what period? A. I don't exactly remember; I think he was there for four or five years.

Q. Can you give us the years that he was employed? A. I think from 1867, to 1872.

Q. What were his duties? A. They were, in great part, aiding me in the preparation of papers and documents — correspondence.

Q. Was that an office absolutely necessary? A. Well, he came here from college to give me his gratuitous services, and the commissioners insisted on his taking compensation.

Q. That don't answer the question; I desire to know whether it was a necessary office? A. Yes, sir; it was at the time.

Q. Up to that time the duties performed by your brother had been discharged by you? A. Yes, sir.

Q. So there was a division of labor then between you and your brother? A. You understand this, Mr. Speaker, you can only learn by looking at the reports, and the official papers connected with it, that during that period of time there was a great deal of labor which is not required now, and had not been required before; and then again there were other duties which the commissioners required me to give my attention to, that prevented me from doing this work.

Q. Your brother testified that he was employed in the capacity of a literary clerk, to correct grammar and compositions; now I want to know if your brother was employed to correct the literary compositions of Gulian C. Verplank, or Richard O'Gorman? A. Neither of those gentlemen.

Q. That struck me as a little singular, that he wanted to correct the compositions of either of those gentlemen? A. He probably did not refer to them — just a little badinage, probably.

Q. But it was an expression which might be used to his prejudice somewhat, and I wanted you to explain what his duties were, more for his benefit than for ours? A. Those were about what they were.

Q. To look after the correspondence? A. Yes, sir.

Q. Then what you mean to be understood in speaking of the employment of your brother, it was an employment absolutely necessary for the proper working of your department? A. Yes, sir.

Q. And in no sense a sinecure place? A. No, sir; it was not.

Q. Or designed to be? A. No, sir; it was not designed to be any thing of the kind.

Q. I will ask you one or two questions as an expert, as I presume you know more about this thing than most any other man; in your judgment, how many persons are necessary, as employees, to the proper working of this department at Castle Garden, take the whole thing? A. You mean in connection with an emigration of any fixed volume?

Q. Take it on an average as it comes, one year with another, I don't suppose that you can graduate your employees by the emigration, for, at one time you may have a large number, and at another time a small number; you must necessarily keep about the same number of employees at all times? A. Well, that might refer very well to old employees, those who have been in the service a long time, but it certainly could not have any reference to new appointments whose places could be filled at any time; I should suppose about 30.

Q. That is at Castle Garden? A. Yes, sir.

Q. Now, to the proper and successful operation of affairs on Ward's Island, in your judgment, about how many persons are required; that is, assuming the emigration to be ordinary? A. I should suppose about 50.

By Mr. WAEHNER:

Q. Including the nurses and all? A. Yes, sir.

By the CHAIRMAN:

Q. From 1870 to 1873, to the advent of the new board, how many employees were employed at Castle Garden? A. I could give you the figures exactly if Mr. Jackson will give me the memorial which I prepared and sent to the legislature of that year explaining the charge made against the commission. [Referring to the memorial.] In those years the salaries jumped up very rapidly; in 1870, at Castle Garden, the number employed was 73.

Q. And you think the business during that time could have been managed by about 30? A. Yes, sir.

By Mr. SCHUYLER:

Q. How many are now here; do you know? A. I do not; in 1871 there were 80; in 1872, there were 76; at Ward's Island the number of employees, in 1870, was 85; in 1871, it was 101, and in 1872, it was 109; now there is another remark that I would like to make in connection with the changes that this board had made in the period of eight months; the old board in a period of two years — and yet the legislative committee reported that men had been employed for political reasons rather than because of the special fitness for the duties required of them — they only in two years displaced 10 per cent, while in eight months this board displaced 50 per cent of the employees here at Castle Garden.

By the CHAIRMAN:

Q. There are 39 employees, I understand, around Castle Garden now; in your opinion, founded from your own experience of the affairs of this institution, can the affairs of the institution be successfully managed with that number? A. At the present time, I should say, with 25.

Q. That is with a small amount of emigration? A. Yes, sir.

By Mr. VOSBURGH:

Q. Since the first of January the emigration has been about 47,000? A. About that, I think.

By Mr. WAEHNER:

Q. What do you say, taking the case of Mr. Jackson, who now does the work of four men as formerly constituted when you were superintendent, discharging the duty of that office, with three other persons do you think that is excessive labor, as far as one man is concerned? A. I don't want to disparage Mr. Jackson's services or his ability, as to me he owes his place; I took him from the Ward's Island bureau up here, and the most persistent efforts were made by two of the commissioners to send him back there again; that was in the old board, and the chairman of the committee here, Mr. Hart, supported me in it, and, finally, those gentlemen had to cease their efforts to drive him back to the subordinate place he was in; I saw his ability and his fitness.

Q. Don't you regard that the labor imposed upon him at the present time, taking that as an instance of the reduction of the force at present, is excessive? A. I should think it was; I don't think the labor is equally divided.

Q. When did you first discover that any political bias crept into the board in its management? A. I should say, as far back as 1866 or 1867.

Q. The design of the institution was to divest it of all political bias or prejudice? A. Certainly.

Q. And from 1847 to 1866 or '67 you had never discovered any political prejudice existing in the management of the board? A. No, sir; none whatever.

Q. At about that time you say it began to make its appearance? A. It began then.

Q. In the change of the board in 1870 — was that a political one? A. Yes, sir.

Q. Designed and intended to be? A. Designed and intended to be?

Q. And the change in 1873, how was that? A. That was the same, only a little more so.

Q. That was in the reform days? A. That was in the reform days; you are right there.

By Mr. VOSBURGH:

Q. How was the board, as it was constituted in 1873, politically? A. You mean this present board?

Q. Yes, this present board? A. There were four republicans and two half-and-half democrats.

Q. What do you call a half-and-half democrat? A. A man whose democracy sits very lightly on him.

By Mr. WAEHNER:

Q. Do you regard a Tammany sachem as a good democrat? A. About the worst.

By Mr. SCHUYLER:

Q. In speaking a little while ago of the percentage of the different nationalities among the employees here — I would like to know what percentage of the employees are either natives or descendants of the first settlers of the state? A. You mean by that the real Amsterdam Dutchmen, not the other damn Dutchmen?

Q. Yes? A. I dont' know; I believe Mr. Verplanck was the only representative.

Q. He is gone, and we have lost our percentage in the board? A. Yes.

By the CHAIRMAN:

Q. In the successful and proper running and management of this institution, in your judgment, politics ought to be discarded entirely? A. It never should enter into it; it never should be thought of.

By Mr. ALVORD:

Q. And regarding it in the light of a charitable institution, should it not be made self-supporting? A. Well, in what way, governor? I don't understand you exactly.

Q. I mean so far as it regards the receipts, either directly or indirectly, from the emigrants, to cover the volume of expense growing out of the care and maintenance of them? A. Yes, sir; it ought to be.

By Mr. WAEHNER:

Q. In other words, it should not be a state charge? A. I don't know about that.

By Mr. ALVORD:

Q. What, in your opinion, from your examination and investigation of this matter (I understand you have been for a long time connected with it), is the percentage of the actual volume of increase of population of this state, as compared with the volume of immigration? A. Well, it is decreasing every year; the proportion in say 1860, probably 75 per cent of the emigration remained in New York state.

Q. How much is it to-day? A. I don't think it is 25 per cent.

Q. Then do you not think that the care and maintenance which the law compels us to give to the emigrants who may wander intentionally beyond the borders of this state, and who, through misfortune and otherwise, finally come back and call upon the institution here for aid, more than counterbalance the amount which the state receives? A. I do, and I don't think the state ought to pay a cent; I think the whole head-tax should be abolished.

Q. How, then, will you take care of the immigrants? A. I think this Ward's Island property would yield a sufficient annual income to support this lot of people.

Q. And you would do away with Ward's Island? A. I would as far as the commission of emigration have charge of it.

Q. Where would you take care of those that go into the place of refuge? A. The way other sick are taken care of.

Q. And how would you pay for their care? A. By the taxes.

Q. Then wouldn't it revert directly upon the people of this state to pay it? A. Yes, sir.

Q. You would take care both of the poor, the lunatic, the sick and the disabled? A. Yes, sir; I believe in free trade; I don't see why men should be taxed any more than goods.

Q. You bring those people into this country and they are not, under

any circumstances, citizens of this country for five years? A. No, sir; but they are of great value.

Q. They are not compelled to do any highway service, which is a per capita in reality? A. Yes, sir.

Q. They are not compelled to do any jury service, which is a per capita tax entirely? A. It is true.

Q. They are not compelled to do any military service, which is a per capita tax entirely? A. Well, that is not any unwillingness on their part.

Q. No matter whether it is or not; they are really, to the full extent of the term of five years, simply sojourners in this country? A. Yes, sir; but they are increasing the wealth of the country from the very moment they come into it.

Q. They may be increasing the wealth of the country; but if 75,000 land in the city of New York, and are carried off to the country, and necessity draws them back, who will take care of them? A. The result of their labor comes back in the produce that they raise to enrich the State of New York.

By Mr. WAEHNER:

Q. Should not the city of New York extend proper facilities to encourage emigrants to land here? A. I think when you throw the country open to them and say that you will receive them on their arrival, you will advise them and protect them at the moment of their arrival, that is all that is required.

By Mr. VOSBURGH:

Q. If a quantity of emigrants come to this country and emigrate to the west, don't you think that this state ought not to support them any further; to be relieved entirely, Governor Alvord says, after going west; if they cannot find subsistence there they can come here, and the commission of emigration have got to take care of them? A. Not after they have been absent one year.

By the CHAIRMAN:

Q. I suppose you carry your idea to its logical sequence; say that 50 emigrants come to this port, 45 of these men bring large amounts of money, which are taxed to help to pay the burdens of the state; the other five are indigent, and the people lose enough in supporting the five indigent ones to counterbalance the tax they get from the others? A. That is just what I mean.

By Mr. ALVORD:

Q. Twenty-five per cent on that 50 would be 12½ people; now, you say, that is all that remains here; supposing that the five out of

the 45, which is 12½ per cent, were indigent people, and they all remained in this state; the balance of the 37½ go outside of the state, who are all of them wealthy men, and have got means to support them, what benefit is that to this state? A. They invest their money in land, the land yields produce, and that produce comes back here; if the emigration goes away from the port of New York, commerce will follow it.

By the CHAIRMAN:

Q. Mr. Casserly, I get your idea to be this: that in times of emigration, say like in 1871, '2 and '3, that a tax or head-money of $1.50 would support the commission if properly managed, and leave considerable of a surplus? A. Yes, sir.

Q. That surplus should be retained to provide against a smaller amount of emigration? A. Precisely.

Q. And in addition your theory seems to be that when the emigration is small, as it is now, that the expenses should be reduced down to the lowest practicable amount? A. Yes; certainly.

Q. And in that way, in your opinion, the institution could be safely and properly run at a tax of $1.50, and all its expenses paid? A. Yes, sir.

By Mr. ALVORD:

Q. The facts are just exactly here; and those stare us in the face; and we must talk upon facts, and not upon theory; the facts are that your immigration of this year is 90,000; at $1.50 that is $135,000; is that, in your judgment, sufficient to carry on the establishment in all its various ramifications, not only the salaries, but all the supplies and every thing of that kind? A. No; I don't know that it is, but —

Q. Wait a moment right there; don't have any "buts;" we have got $248,000 absolute indebtedness on the 1st day of July, of this institution? A. Yes, sir.

Q. Now, how are you going to take care of that; your emigration is 90,000; your head-money of $1.50 is not sufficient to pay it; and you have got an absolute indebtedness of $248,000 which, if you capitalize it will produce an annual income of $17,000.

The CHAIRMAN — If I understand Mr. Casserly, in the high times of emigration they should have a reserve fund.

Mr. ALVORD — But they haven't got it.

The CHAIRMAN — I know they haven't got it; but in a proper, economical management of the concern they ought to have a reserve fund instead of an indebtedness.

The WITNESS — Certainly they ought; the governor, comptroller, and attorney-general of the state, have a right to authorize these com-

missioners to raise money on this Ward's Island property; why don't they do it; they have no confidence in them; Mr. Hopkins would only allow them to raise $100,000.

Mr. ALVORD — I don't take any stock in Hopkins.

The WITNESS — He belongs to your party.

Mr. ALVORD — No; I am an independent; have you any idea, judging from your knowledge of all the surroundings, that for the years to come there is to be any very large volume of increase of immigration? A. Yes, sir; I think there will, just as soon as times get better here.

Q. Can Ireland throw very much more of her population into this country, by way of immigration? A. You give her five years, and see if she doesn't.

Q. Can she create a population sufficient to increase her immigration in the next five years? A. Yes, sir.

Q. So far as Germany is concerned — the unification of Germany — A. As soon as times get better you will find 200,000 Germans running away.

Q. Do you anticipate any resuscitation of the immigration from Germany? A. Yes, sir.

Q. Your idea is this: that the bill which I drew for these gentlemen of the emigration last year authorizing and requiring that a mortgage should be given in trust to the comptroller of the state, with bonds and coupons attached, for $300,000, to relieve them of their present indebtedness of very near that, if not quite that amount; and with economy in the direction of affairs that $1.50 head-money would be sufficient to carry it on? A. Do I believe that?

Q. Yes? A. I do; certainly.

Q. You believe that that would have been the best course to have pursued? A. No; I don't think that was necessary; I think that this law on the statute books, or any other law, was unnecessary.

Q. This law on the statute book was simply a permissory law? A. Yes, sir.

Q. It was not a declaratory and affirmative law requiring it to be done? A. I understand that.

Q. Now, in the political exigencies of the times isn't it your opinion that a legislative law ought always to be positive and not permissory? A. Well, I didn't see the necessity of the passage of that law; and there was only one senator that saw it, besides.

Q. I don't care any thing about that; I am only asking it as an abstract question? A. I don't think it was required.

Q. Don't you think it is required to raise this money on the Ward's Island property? A. Yes, sir.

Q. Don't you think that legislation that will bring about that result is legislation that is necessary and desirable? A. I don't think it is necessary to encumber the statute book with laws; there is a law if it is only permissory.

Q. Now, suppose I am a state officer; I am authorized to do a certain thing, and not required; if it is necessary to do that, in the judgment of the general community, isn't it a great deal better to require one than to authorize one? A. Yes; but then there is this to be taken into account: the permission to do it allows the officer to exercise his judgment and to decide whether these people to whom he gives this money manage the trust confided to them properly; it leaves him that option, but a mandatory law would not.

Q. Your premises are wrong: the indebtedness is an absolute thing? A. I understand.

Q. That has got to be paid? A. Certainly.

Q. Now, the fact whether a man shall have a right or authority in his own view and his own notion, to state that I shall give a mortgage to pay my debt is a different question from saying whether I shall give a mortgage to create a future indebtedness? A. I am in favor of your law after this commission goes out.

The CHAIRMAN — My opinion was that the state should never have consented to a mortgage at all; the state should have raised a sum of money to pay this indebtedness and then see that the institution kept within its receipts.

The WITNESS — That is it.

Mr. ALVORD — My idea is simply this: that, at least temporarily, the head-money should be raised, with an economical administration, so as to pay the present indebtedness.

The WITNESS — There was a remark made the other day, I think, by somebody, that they thought the changes in the head-money did not produce any effect upon emigration.

The CHAIRMAN — I was going to ask that question; you said that emigration was diverted to other ports now?

The WITNESS — Yes, sir.

Q. What information have you that emigration is diverted to other ports? A. I have this: This table is compiled from official documents showing the emigration to Philadelphia, Boston and Baltimore, as compared with the emigration to New York, for every year since 1865; and it shows a gradual diversion for every year.

Q. Have you the table there? A. Yes, sir.

Q. Will you let the stenographer take it? A. Yes, sir.

[Marked "Exhibit No. 2. — Aug. 13, 1875. — F. M. A."]

EXHIBIT No. 2.—AUGUST 13, 1875.—F. M. A.

YEAR.	Emigration to Philadelphia.	Boston.	Baltimore.	Total to three ports.	New York.	Percentage diverted.
1865	*	7,057	4,380	11,437	196,352	1 in 17
1866	*	11,527	9,577	21,104	233,418	1 in 11
1867	*	11,266	9,889	21,155	242,731	1 in 11
1868	*	15,128	5,183	20,311	213,686	1 in 10
1869	*	26,414	9,166	35,580	258,989	1 in 7
1870	*	30,069	7,351	37,420	212,170	1 in 6
1871	*	22,904	9,240	32,144	229,639	1 in 7
1872	*	25,957	15,948	41,905	294,581	1 in 7
1873	4,257	31,042	13,140	48,399	256,818	1 in 5
1874	10,643	20,223	6,950	37,716	140,041	1 in 4

* There is no official information for these years, but from all data to be obtained the emigration averaged about 500 a year.

By Mr. DEVLIN:

Q. From what source does that emanate? A. From the board of state charities of Massachusetts, and from records in the mayor's office in Baltimore and Philadelphia; in 1865 the emigration to those three other ports was only one in seventeen; in 1874 it was one in four.

By the CHAIRMAN:

Q. Over four times as much to this port as to all these other ports combined? A. Yes, sir.

Q. Do you know whether Massachusetts has any facilities like these for the care and protection of emigrants on their arrival? A. No, sir; the cars go down to the Cunard dock.

Q. Have they any thing in Philadelphia? A. The same thing in Philadelphia.

Q. In Baltimore? A. In Baltimore there is a head-tax divided between the charitable societies — Irish and German.

Q. Do you know that a practice prevails with steamship companies landing emigrants in other ports and sending them to New York to escape the payment of the head-tax? A. There is no necessity of doing that in Boston, because there is no head-tax there.

Q. Do you know that it has prevailed? A. No, sir.

Q. In Massachusetts, as I understand, there is a tax of a dollar, but if the emigrant leaves the state within 24 hours, then the tax is refunded; do you know of any such law? A. I don't think there is any such law; I think that law is changed.

By Mr. GEDNEY:

Q. Is there any record made at the port of Boston of any emigrants landing, if they pass right away? A. Certainly; they record them all.

By the CHAIRMAN:

Q. At Baltimore there is $1.50 head-money; that $1.50 is distributed among the charitable institutions of Baltimore alone? A. Yes, sir.

Q. In Philadelphia there is no tax at all? A. No, sir.

Q. Nor any protection given to emigrants? A. No, sir; except such as is given to any destitute person.

Q. Take a well man; he comes a perfect stranger, and don't know any thing about New York or America; but you have men here at Castle Garden to give them necessary information, so that they can go to their destination; now, they have no such thing at Philadelphia? A. That is true.

Q. In your judgment, would not this care and protection, even to well emigrants, afforded to them in the city of New York, counterbalance any head-tax, which is imposed here, over Baltimore, or Philadelphia, or Boston? A. Yes, sir; I think so.

Q. That is, if the emigrants knew it? A. Yes, sir.

Q. Then you must conclude that this diversion of emigration to other ports is in the interest of steamship companies to get rid of paying this commutation-money? A. Yes; I think it is in great part; and that is the particular reason why I say the head-tax should be small; there is no use in the city of New York oppressing commerce; and it is an oppression, when you demand a head-tax, beyond the economical wants of the institution.

By Mr. WAEHNER:

Q. Since 1871, the head-tax here has only been $1.50? A. Yes, sir.

Q. In Baltimore they charge $1.50, also? A. Yes, sir.

Q. Does your table show any increase in emigration, particularly at the port of Baltimore, since 1871? A. I think it does; in 1871 it was 9,000; in 1872, 15,000; in 1873, 13,000; in 1874, 7,000.

By the CHAIRMAN:

Q. Then they were not attracted by the head-tax, because the head-money here, since 1871, is but $1.50, and $1.50 in Baltimore? A. Yes; but the steamship companies are drawing the emigrant trade away from New York by building lines to run to every port where they are less oppressed, and where the expenses are less heavy than they are here; for instance, it costs a steamer, from the time she enters the port of New York until she goes out again — these large ships — for dock fees, laborers, and every thing pertaining to loading and discharging the ship, $10,000 a trip, every trip they make; the same ships can go to Baltimore, and do the same thing for less than $5,000.

Q. The head-money, then, has nothing to do with it? A. It is one of the elements; there is another consideration that has never been looked at; of this $10,000 a trip $2,000 of it goes as wages to the 'longshoreman and the stevedores who load and discharge these vessels; in the year 1873, they paid about $1,200,000 as wages to these men; in 1874, they did not pay more than $600,000, owing to the diversion of commerce from this port; and this year, I don't believe, they will pay more than $350,000; there is just so much money taken away from the people of New York.

Q. In connection with this subject, is not the greatest cause of complaint upon the part of steamship companies, the requirement or an exaction of these special bonds? A. Yes, sir.

Q. Don't they object to that more than they do to the $1.50 head-money? A. They don't object so much to the $1.50 head-money as they do to any attempt to increase it.

Q. For these special bonds? A. Yes, sir; that is very odious to them

Q. It is a subject of constant annoyance to them? A. Yes, sir.

Q. That is of very little practical good now to the state? A. Very little; none at all.

By Mr. ALVORD:

Q. In 1872, the increase of immigration to the city of New York was from 196,000, in 1865, to 294,000? A. Yes, sir.

Q. And the increase in the other localities was not at all commensurate with it? A. What is the percentage?

Q. You have given it here, one to seven? A. Yes, sir; but where there is a large emigration to New York there is a larger emigration proportionally to these other ports.

Q. In some cases it is so, and in some it runs the other way; it fell from one to seven in 1869, to one to six in 1870; it came up to one in seven in 1871, one in five in 1873, one in four in 1874; now, we have reduced the head-money, in 1871, from $2.50 to $1.50, and still the decrease went on? A. The diversion of emigration has begun, though; it begun in 1865.

Q. Were you not aware, while you were connected with this establishment, that it was the habit of these steamship companies to land passengers at Boston, and other points, and within twenty-four hours have, at their own expense — they paying the expense of transportation — those same passengers within the limits of the city of New York, and within the limits of the State of New York? A. Yes; they were passengers who were sold tickets to New York, and those ships were bound for Boston with cargo.

Q. Were they not bound for Boston with cargo, and did not that regulate their entry into this country, and not the question of emigration? A. Commerce will draw emigration, and emigration will draw commerce.

Q. And if a ship is put up at Liverpool, or London, or Glasgow, or at any other point, and she has better advantage in the way of freight-rate to come to Boston than to come to New York, does she hesitate a single moment, having the circumstances in her favor, to take immigrants to New York, and to land her freight at Boston or Baltimore, or anywhere else, and pay the difference between those points and here to land the passengers; doesn't the freight govern rather than the emigration? A. I don't know as it does; one goes hand-in-hand with the other.

Q. How is that; you say they go to Boston, and they take the pass-

engers and agree to land them in New York; they pay their fare from Boston to New York, what governs; isn't it the price of freight at Boston, rather than the price of freight at New York that governs? A. That is their landing place.

Q. We have got the evidence here of some of these men, that they ge to work and take freight for Boston, for instance, if they can get it better than they can for New York; they agree to land it anywhere in the United States where they agree to, but they take their freight to Boston, and, in order to consummate their bargain with the immigrant, they land him there and send him across here at their own expense? A. Does the city of New York lose any thing or gain any thing?

Q. Do you believe that if the immigrant came for nothing to the city of New York, that the result would be that that freight which they take in Liverpool and carry to Boston, would come to New York instead of Boston? A. No.

By Mr. WAEHNER:

Q. The steamship companies contract to land the immigrant in Castle Garden or in New York, and land him in Boston and pay his fare from Boston on the train; and that shows that the consideration of carrying the immigrants in these cases, when they have freight to land in Boston, is a secondary consideration? A. I don't see it in that light.

By Mr. GEDNEY:

Q. If that was not a secondary consideration, would not you think that they would come here first and land their passengers, and then go there and land their freight? A. Not at all.

Adjourned to August 14, 1875, at 10:30 A. M.

NEW YORK, *August* 14, 1875.

The committee met pursuant to adjournment.

Present — Hon. Jeremiah McGuire, Chairman; Messrs. Alvord, Schuyler, Waehner and Gedney.

Bernard Casserly, recalled.

Mr. ALVORD — I believe Mr. Devlin wishes to ask some questions of Mr. Casserly.

By Mr. DEVLIN:

Q. I have divided the subject up into two heads; first, in regard to

the constitution of the commission, and next in regard to the head-money; you were in the employment of the commissioners in some way or other from the first of their organization? A. May, 1847.

Q. Of how many commissioners did the commision consist in the beginning? A. Six, and four *ex officio*.

Q. I mean those appointed by the governor, not *ex officio*? A. Six.

Q. Can you give their names? A. Gulian Verplanck, Robert B. Minturn, James Boorman, David C. Colden, Jacob Harvey and William F. Havermeyer.

Q. Mr. Verplanck remained in the commission from that time, and president of it, I believe, to the time of his death? A. Mr. Havermeyer was president from May to December 31, 1847.

Q. And after that? A. Then he was elected mayor of New York and Mr. Verplanck was made president about the 1st of January, 1848, and remained president until his death in 1873.

Q. Most of those gentlemen whom you have named remained commissioners for years, did they not? A. I could tell you exactly from the record; Mr. Harvey died, I think, in 1848; Mr. Boorman's term expired in 1849.

Q. Would you mention some of the prominent men connected with the commission from 1848 to 1860, say? A. In addition to those?

Q. Yes? A. Andrew Carrigan, Wilson G. Hunt, Cyrus Curtiss, A. A. Low, Charles H. Marshall and yourself; you were a commissioner yourself.

Q. Yes, I was a commissioner for a short time; when this commission was instituted by the act of 1847, they had neither money nor property of any kind, had they? A. No, sir; not any.

Q. They started as people come into the world, without any thing? A. Yes, sir.

Q. They first located on Ward's Island? A. Yes, sir.

Q. Had an old factory up there, or something of that sort? A. An old cotton factory.

Q. Previous to 1847, there had been in the city of New York, so far as you are aware, no organization of a similar character to the commission of emigration? A. The shipping merchants, previous to 1847, took care of the emigrant passengers themselves; giving bonds to the mayor of the city of New York, and those bonds were not worth as it turned out, whenever a suit was instituted, the paper they were written on and the manner in which they provided for the emigrants, was not only disgraceful, but horrible.

Q. But had much to do with the production of this commission, hadn't it? A. Yes, sir; it was brought out in evidence, that in one of what were called emigrant poor-houses, located over on Long Island, that when a committee of the board of aldermen went over to visit

them and inspect them, they found the emigrants lying about the fields, preferring to be there, exposed to the sun and the rain, than to remain in the houses appropriated for them; they found, in one of those houses, a number of those who were too enfeebled by sickness and want, to get out of the buildings, lying on the floor, and, in one case, I think they found a dead body which had been there two or three days; but that class of shipping men were entirely different from the class of shipping agents representing the steamship companies to-day; they were simply men, and that does not include all of the shipping men, because there were then some of the most honorable merchants in New York, engaged in the shipping business and in the transportation of emigrant passengers, but there were such a class of men who were willing to make money out of these poor unfortunate people in that way.

Q. There was no previous experience upon the part of public officials or private individuals, so far as you are aware, to enable them to fix a commutation sum or head-money for each passenger, to enable them to know how much was necessary to fix a sum at, was there? A. Yes; they were guided somewhat by the — to a very slight degree, by the — expenses of the Marine Hospital; they were guided by the expenses for the support of these so-called emigrant institutions under the charge of the shipping merchants.

Q. There were really no facts that furnished a safe criterion; it was more guess-work than any thing else, wasn't it? A. Yes, sir; it was; but it seems to me that the subsequent action of the legislature — of succeeding legislatures — in all ways, when an addition was made, making it for a certain specific purpose; for instance, as I said yesterday, the 50 cents that was added to a dollar was for the support of the Marine Hospital.

Q. I don't want to go into that? A. I wanted to show that the legislature must have been satisfied.

Q. These commissioners, to go back, had neither money or property or institutions of any kind in which they could accommodate the emigrants, from 1847 down to 1856; they purchased a large quantity of land and erected numerous and proper and sufficient buildings, did they not, for the accommodation of the emigrants? A. Yes, sir; buildings sufficient for the purpose, although of a temporary character.

Q. Not as good of course as the brick hospitals now; now, during all that time, from 1847 to 1856 or 1858, were not the affairs of the commission managed as energetically and effectively and economically as could have been done by any three men, in your judgment? A. Yes; I think they were; it seems to me that the class of men who managed the commission at that time have either disappeared or are unwilling to take the same responsibility.

Q. Or don't get the appointment? A. Yes, sir.

Q. When you testified yesterday that in your judgment a commission of three paid commissioners, with distinct duties or general duties of the commission, would be preferable to six or eight as now, you were led to form that judgment by the fact that there was a different class of people recently appointed to be commissioners, different from those who had been appointed the previous years, were you not? A. Yes, sir.

Q. That is substantially all I want to ask on the subject of the constitution of the commission, and if the same class of men were appointed now, you think the same number would be just as effective as the others had been? A. They might for a short time, but changes would come and it would fall back into just the same condition of things that have existed for the last 10 years.

Q. But, Mr. Casserly, for certainly 15 years, the thing went on as it started, without politics? A. You said in 1858; that would make it 11 years?

Q. Well, for 11 years; did there any of this trouble occur, any of this falling off in the character of the commissioners, until politics invaded the board as a general question; I don't speak of one or two persons? A. As a general question, no.

Q. And by politics coming into the board, you mean when a majority of the party in power at the time, was appointed members of the commission? A. Yes, sir.

Q. In old times; I don't know whether you were aware of it or not; were you aware of the understanding about the standing of the commission politically? A. Yes, sir.

Q. What was that understanding? A. It should be equally divided as far as the political predilection of the members composing it.

Q. That was the understanding at the time the bill was passed, was it not? A. Certainly.

Q. The bill was passed by an assembly that was whig and a senate which was democratic? A. Yes, sir; Mr. Verplanck, Mr. Havemeyer and Mr. Boarman represented the democratic side, and Mr. Colden, Mr. Harvey and Mr. Minturn represented the whig side.

Q. The bill was passed with that precedent in it, and with that understanding, that it should continue so for all time, was it not? A. Yes, sir.

The CHAIRMAN — I understand that Mr. Casserly means that in 1858 or 1859 the appointments assumed a partisan character.

The WITNESS — I said politics began to creep in, although the commission did not at first — the appointments began to be made, but it became more fixed in 1865.

By Mr. DEVLIN:

Q. Then it took a positive, definite shape, as a party commission, did it not? A. Yes, sir.

Q. You have stated what you thought was the experience that existed to enable these people to fix a commutation fund; now, in the year 1847, there were no charges upon the commission except the emigration of that year? A. No; of course there could not have been.

Q. In 1848, only two years; in 1849, three years; 1850, four years; and 1851, five years? A. Yes, sir.

Q. Then it reached its culmination of emigrants chargeable upon it, not in number but in years? A. Yes, sir.

Q. So that the commission could be run much cheaper in 1847 and 1848 than it could be in 1849 and 1850? A. Yes, sir; that would be the inference.

Q. And wasn't it a fact? A. I presume it was, but what is that to show.

Q. My object is to show that while $1.50 might have done in 1847 and 1848; it might not do in 1851? A. But it do in 1851.

Q. When did the commissioners begin to borrow money on mortgage; do you remember the year? A. They began to borrow money on mortgage, I think, in 1853; it may be 1852; I can tell you in two or three minutes.

Q. Eighteen hundred and fifty; just read that? [Handing witness the report of the commission of emigration for the year 1850.] A. "In conformity with this recommendation an act was passed March 2, 1850, giving authority to borrow upon mortgage of the land held by them, such sums as might, in their judgment, be necessary for the current use of the commission, upon the certificate of approval of such loan, and of the intended application thereof, by the governor, comptroller and attorney-general; under this act an application for permission to borrow, on mortgage, the sum of $80,000, was made to these officers, and the certificate required by law granted by them."

Q. That was in 1850; they had fallen short, on their $1.50, then $80,000? A. I beg pardon; that was what they asked for permission to borrow, and the sum they borrowed, after this permission was granted them, was only $36,000.

Q. They had fallen back $36,000? A. Yes, sir.

By the CHAIRMAN:

Q. Was that a deficiency in expenses? A. Yes, sir; the ordinary expenses, caused by the support of the Marine Hospital, and the large county claims.

By Mr. DEVLIN:

Q. Turn to 1853, now, and state what the overdraft of the commis-

sioners was, according to their report — page 147 ? A. There was an indebtedness on the 1st of January, 1854, of $201,488 15.

Q. In 1852 the commissioners recommended an increase to $2 in the head-money ? A. Yes, sir.

Q. And that recommendation was followed out in 1853, wasn't it ? A. Yes, sir ; what was that increase for ?

Q. That was for the county ? A. To pay the county claims, an account — they could not be met at the $1.50, 50 cents of which was for the Marine Hospital, and $1 for the support of emigrants; that 50 cents was set apart by the act.

Q. Turn to page 168, and see what the commissioners say in regard to the increase to $2 ? A. " In the first years of the commission these difficulties (financial difficulties) arose from the intended revenue having been reduced more than half by the constitutional objection to the law of 1847, and consequent reduction, and, afterward, from the inadequacy of the rate of commutation, not only to provide for the current expenditure of supporting destitute aliens here, and reimbursing the counties, but also for the cost of lands and buildings, which were wanted for an efficient and economical administration."

Q. That is what they said in 1855 ? A. Yes, sir ; for 1854.

Q. Turn to page 188, and see what they say there ? A. " The causes of much of the present debt arose in the earlier years of the commission, when from 1847 till 1850, the tax intended to be provided by law was reduced by refusal to pay, on the part of ship owners and consignees, or the payment under protest, on the ground of the unconstitutionality of the tax ; their objections were sustained by the supreme court of the United States."

Q. The state advanced to the commissioners in 1855, $60,000, did they not, to meet deficiencies ? A. Yes, sir.

Q. That was $80,000, and $60,000 was $140,000, that the commission had run behind in seven years, at a commutation for four years of that time at $1.50, for and three years $2, wasn't it ? A. Yes, sir.

The CHAIRMAN — That includes nothing for construction ?

The WITNESS — Yes, sir.

Q. Oh, yes, something for construction ? A. And county claims.

Q. When did they make another mortgage, do you remember ? A. The county claims, as I stated yesterday, in 1852, aggregated $150,000; they now are less than $30,000 a year ; there are no expenses for buildings.

Q. How much was the amount entirely borrowed on bond and mortgage ? A. Two hundred thousand dollars.

Q. And the state gave $60,000 ? A. Yes, sir.

Q. That made $260,000 that the commission run behind up to 1859, wasn't it? A. The $50,000 loan was paid

Q. Now the commission never paid any of that back did it? A. Yes, sir.

Q. How much of it? A. Fifty thousand dollars.

Q. That was all that was ever paid back of the whole amount? A. Yes, sir.

Q. Then $210,000 is the deficiency outside of the present indebtedness of the funds of the commission from $1.50 to $2, and $2.50 head-money, is it not? A. Well, sir, I will explain to you where $111,000 of that $210,000 went.

Q. Where did it go? A. In the first two years that the commission had the management of the Marine Hospital, the expenses of the Marine Hospital for 1847 were $82,000; 1849, $129,000, making $211,403.64.

Q. Who were in the Marine Hospital? A. Emigrants and citizens.

Q. There were but few citizens; mostly emigrants? A. The commissioners always contended, and you will find it in their reports from year to year, that they were compelled to support an institution which was largely devoted to caring for citizens, and the emigrant fund was unjustly burdened with the support of the Marine Hospital.

Q. Wasn't the Marine Hospital, in these years, filled with emigrants coming over, having typhoid fever, typhus fever, small-pox and cholera? A. Yes, sir.

Q. Filled so they had to erect buildings outside? A. Yes; but it didn't cost more than 20 per cent for caring for the emigrants sick with cholera, and typhoid and typhus fevers, than it did to care for the citizens sick with yellow fever.

Q. What was the proportion of the citizens and the emigrants? A. I think the difference between the cost of supporting each class was almost balanced by the excess in the expenses that was necessarily incurred in providing and caring for yellow-fever patients; the expenses of the Marine Hospital exceeded the receipts in the year 1848, $111,050, which had to be provided for and met out of the emigrant fund, out of the head-tax.

Q. Don't you know the fact that all those expenses, with the exception, perhaps, of seven per cent, were incurred for emigrants themselves? A. I will turn to dozens of reports of the commissioners and show you what they say.

Q. I know the commissioners objected to taking care of the citizens, but the citizens were not so numerous as to make any large expense upon them? A. Listen to what they say in their report: "The commission would have been able to liquidate these hospital claims, but for the expenses of the Marine Hospital, which was designed and intended for the protection of the health of the city and of the State of New

York, against the introduction of disease, and not for the care and treatment of emigrants committed to the charge of this commission."

Q. But they did care for them there; what report is that taken from? A. I cannot tell what report it is taken from.

Q. I won't waste the time of the committee about that? A. I will show you dozens of reports with that same expression running all the way through.

By the CHAIRMAN:

Q. It is your idea, then, that the care of emigrants at the Marine Hospital is a secondary thing? A. Yes, sir; and to guard the port of New York from the introduction of diseases, and particularly yellow fever and cholera; another thing, Mr. Devlin, which you probably forget; the commission has a claim against the State of New York for money which it paid, and which the State of New York acknowledged from time to time was on account of the State of New York, and not for the support of emigrants, of $175,000; now, you put that $175,000 with $111,000 deficiency in those two first years in the management of the Marine Hospital, and what becomes of this $250,000 that you refer to?

Q. What is that $175,000? A. The commissioners borrowed $200,000; $150,000 of it was for the support of the Marine Hospital, while very few emigrants were there.

By Mr. DEVLIN:

Q. Of that they made a demand against the state? A. The state acknowledged it, and assumed $150,000 of that $200,000, and the commission paid the interest; the state assumed $150,000 of the mortgage, which was to be paid out of the sale of the grounds and buildings constituting the Marine Hospital; the commissioners invested a large sum of money in keeping those buildings in repair and in the erection of new buildings, such as might be required from 1847 to 1858, when the buildings were fired and destroyed by a mob.

Q. They were never called upon to pay that $210,000? A. Yes, sir; they were; they paid $50,000.

Q. It was $260,000, and $50,000 off left $210,000; the mortgage was $200,000 and the amount given by the state was $60,000 and $50,000 was paid by the commissioners leaving them in funds $210,000? A. Do you remember the circumstances under which that $60,000 was granted?

Q. I do not now. A. Well, I do, it was this; the $60,000 was applied for by the commissioners for the support of the Marine Hospital; the state granted $60,000 for the support of the Marine Hospital, to to be repaid back again to the state out of this hospital money, paid under protest, in case the United States decided the law to be consti-

tutional; the United States court decided the law to be unconstitutional, and, of course, there was no funds there to pay it with; but it was reimbursed back to the state out of the hospital moneys which had, in previous years, been paid under protest and accumulated in the state treasury, so that that $60,000 must be left out of that calculation altogether.

Q. In so far as the commissioners of emigration are concerned in using it? A. It was not for the commission; it was for the support of the Marine Hospital.

Q. The commissioners of emigration received for some purpose or other $210,000, over and above all the money received for head-money? A. Yes, sir; and that covered the period of how many years?

Q. It covers a period of, I think, seven years or eight years? A. It covered a period of 10 years; the last loan was made in 1860, I think, and this present commission has run itself in debt $300,000 in less than two years, and it took 10 years for the old commission to run itself in debt $200,000, and, Mr. Speaker, during that time emigration was down as low as 65,000, in a single year.

Q. Mr. Casserly, you seem to have a very strong prejudice against this commission? A. Mr. Devlin you come here as their advocate.

Q. No, I don't come here as their advocate at all, I come here to get the facts out, that is all; I want to do justice to you and justice to them; when this present board came in, did you know all the members of it; I don't mean personally, but did you know what their business had been, and whether they had ever been connected with the commission before, as commissioners? A. Yes, sir; that I knew, of course.

Q. Well, had they ever been? A. One.

Q. As a commissioner? A. Yes, as a commissioner.

Q. Who was that? A. George J. Forrest.

Q. How long before? A. About six or eight months.

Q. He was the only one? A. He was the only one.

Q. They were all inexperienced when they came in, were they not? A. Yes, sir; and he got his appointment, as I understand, by recommending himself to the governor as a necessary acquisition to the commission, it requiring somebody who understood the working of the commission.

Q. We don't want any personal matters about this; you stated yesterday that the board discharged 50 per cent of the employees, and yet kept on paying their salaries; did you state that from your own knowledge, or from reliable information; and if from reliable information, who gave you the information? A. The testimony won't bear any such construction as that; I stated they had displaced 50 per cent of their employees; they had not abolished their offices or removed them, but had filled them with political favorites, and then I went on to say

that they did abolish two bureaus, and kept the employees on the pay-rolls.

Q. Which bureaus were those? A. The forwarding and postal.

Q. Do you remember who occupied the positions? A. Gardner and Layman.

Q. How long did they remain after the bureaus were abolished? A. They remained, and then Mr. Gardner was, in the succeeding month of March, put in as chief clerk of the Ward's Island bureau in place of Mr. Von Poser, who was discharged, because they wanted to give this man Gardner a place.

Q. You cannot tell the reason why he was discharged? A. I will tell you this far; they put him back again a month after, because the Germans made such a racket about it, displacing a capable, efficient man.

Q. You don't want it put down that you are swearing to the cause which operated on these men's minds? A. Well, they are so patent; there are some things you don't want men to tell you; you can judge yourself.

Q. The reason they discharged that man was to make a place for Gardner, and the reason they put him back was because the Germans made such a row about it? A. I suppose Mr. Webster was simlpy expressing the views of the board, when he made the remark that, when he came here, every official that he stumbled against was a Dutchman or an Irishman — I use his words.

Q. Did he say so to you? A. He didn't say so to me; that was a public matter at the time; it was not the only occasion.

Q. Who told you that he said so? A. Well, I cannot afford to tell you, Mr. Devlin, to have you tell the commissioners of emigration that any of the employes have told me such a thing.

Q. If you tell me, it won't be necessary for me to tell them, for they will hear it, some of them? A. You speak about my animus about the commission; let me tell you when I went to Albany with this memorial to try and get back from the state, through a commission appointed to examine the question, and if they found that this was a just claim against the state, that they would make their report to the legislature to that effect, two of the commission, ex-Attorney-General Barlow and ex-Lieutenant-Governor Beach, were willing to sign the report, but Mr. Hopkins declined to sign it, because Mr. Devlin said that the state loaned the commission $60,000, which the commission had never repaid.

Q. Is there any harm in that? A. What was the necessity of going out of your way?

Q. I am not on trial now; when I get on the stand you can ask me all the questions you wish? A. You are not one of the commission.

Q. If I did wrong about the commission, does that justify you in doing wrong? A. That will not justify me, but it gives me an opportunity to tell you that you had an animus.

Q. Now, you have your animus against this commission, have you not? A. I have — I will admit it — because they are incompetent and extravagant.

Q. I am not speaking of any thing that occurred between you and me, but it has come to the commissioners, not through me in any way, directly or indirectly, that you have declared that you would never let this commission up until you had broken it down? A. I may have made that remark, and I was justified, from my judgment of it.

Q. I don't find fault with you for it; now, Mr. Casserly, you testified yesterday that the printing of the report of 1873 cost $2,015.38? A. Yes, sir.

Q. Do you know how much the printing of the report cost in 1872? A. Well, if that is not an Irish way of getting over a difficulty.

Q. I only want to know if you are aware how much; you seem to think that that was a very large sum to pay for the printing of the report of the commissioners? A. I know what it cost.

Q. How much did it cost in 1872? A. It cost about $2,100; and I want you to go further, and let the committee know that I testified to that before the previous committee, and testified that it was extravagant and costly.

Q. And in 1871? A. I think it was $1,800.

Q. No, 1870? A. Then it was $1,800 in 1872.

Q. It was $2,100 in 1872? A. Then 1870 $1,800; that was the very year that the commission was found fault with; but this was a reform board, that was going to economize and retrench.

Q. Didn't you call Senator Johnson's attention to the elegant bound volume of the report? A. I think I did.

Q. You were not aware that there were only about a dozen of those printed, and that they were printed from private funds? A. How many did you say, a dozen? there were fifty of them; I wanted to show the legislature the difference between the style of reports that the commissioners got up for themselves, and the style of the report that they sent to the legislature, printed on such poor paper that it was hardly legible.

Q. Then, did you not know that these nice ones were printed and got up at private expense? A. Yes, sir; that makes the case worse that common copies should have cost $2,000.

Q. Do you know it? A. I don't know it.

Q. You don't know whether it was, or not, got up at private

expense? A. I will guarantee to show you that these copies were printed at the expense of the commission.

Q. Don't let us argue; just answer the question? A. What is the question?

Q. I ask you if you did, or not, know that they were printed and got up in that fine style by private subscription? A. No, sir; I don't know it now; I would like to have it proved; I don't believe it now; the only part of it that was done by private subscription was the binding; the printing, paper and press work were paid for by the commission of emigration.

Q. You don't know that fact? A. I make that statement, and I would like to have it disproved.

Q. You took a very active part during this winter, against the commissioners of emigration, at Albany, did you not? A. You may call it so.

Q. You endeavored to prevent any legislation of any kind that they proposed there, did you not? A. No.

Q. Didn't you oppose the head-money bill? A. Yes.

Q. Didn't you oppose the mortgage bill? A. No.

Q. Did you not? A. Part of the time I did and part of the time I did not.

Q. There was a portion of the time that you did oppose it, and you opposed it the latter part of the session, didn't you? A. No, sir.

Q. You opposed it the first part of the session? A. The first part of the session.

Q. You said that you went up there without any intention of taking any part in this matter, and that some remark had been made which offended you? A. Yes, sir.

Q. Therefore, you took part; was that a remark of a commissioner, or commissioners? A. One of the commissioners.

Q. But not of the commission? A. I can't help that.

Q. Then you were moved to opposition against the commission, because one of the commissioners made a remark that was distasteful or offensive to you? A. No; you are misstating it.

Q. I am asking a question? A. My public position grew out in part from that, but my original position was based on what I believed it to be, a board that was not equal to the management of the affairs of the institution.

Q. Your object was to break down the board? A. Certainly.

Q. That was your object in opposing this legislation?

The CHAIRMAN — Your opposition to the mortgage bill.

A. I withdrew that opposition afterwards.

Q. Now, reflect a little bit and see if you are not mistaken about the time when you first made a public opposition to this measure, and

whether it was not before the remark was made; I understand it was made before the committee of emigration and navigation, when there was some public discussion there? A. I don't know what you want to get at.

Q. My own impression about it was that you were in opposition before the meeting of that committee? A. I said I was not making any public opposition.

Q. What sort of opposition did you make, if it was not public? A. Furnished my brother with any statistics that he asked me to furnish him with, in the preparation of the papers that the steamship had asked him to get up.

Q. That you were doing all the time? A. Certainly.

Q. You assisted the committee on commerce and navigation, in drawing up the interrogatories for the commissioners? A. Yes, sir; some of them I furnished them.

Q. Every body knew that? A. Some of them were furnished by a gentleman very much nearer the commission than I was, and the remark was made, if the commissioners answered those interrogatories under oath, they would answer them in a different way from the manner in which they did answer them.

The CHAIRMAN — I will suggest this, that Mr. Casserly can, as far as he is able to, give us what information he possesses in regard to the management of the institution, without reference to any prejudice that he may entertain towards the commission or any commissioner.

The WITNESS — That is the better way, I think.

Q. Now I will ask you in regard to newspaper editorials — whether you were not writing editorials against the commissioners and against the commission, or furnishing information for that purpose; now I don't mean to say that is any fault; you had a perfect right to do it? A. I want you to understand that I answer the question so far, that I didn't write any of the editorials for newspapers, but I wrote articles over my own signature.

Q. And only? A. And only.

Q. And only furnished information for the purpose of that? A. That I won't say; I do the same thing since I have been outside of the commission, disconnected with it, as I did when I was with it; when newspaper men came to me and asked me for information, I gave it to them.

Q. Do you remember an editorial in the *World*, on the 18th of February, 1874, on the subject of the commissioners? A. I think I do.

Q. Did you furnish the information for that article? A. Part of it, I think I did.

Q. And do you remember an editorial in the *Sunday News*, on the 21st of March, 1875? A. I think I do.

Q. Did you furnish the information for that article? A. I think I did.

Q. And in the *Herald*, the 4th of March and the 20th of April, 1875; did you furnish the information for them? A. I may have done so, and I think I probably did.

Q. And the *Irish American* of the 10th of April, 1875? A. Was that an editorial or a communication?

Q. It was an editorial? A. Mr. Cole, of the *Irish American*, answered that question of Mr. Lynch, very distinctly; I had no more to do with it than you had, not a bit more.

Q. I will ask you, not referring to yourself, Mr. Casserly, but to anybody else, whether you know or have any information of any money being used in Albany, or promised, in 1874 or 1875, to effect legislation and to prevent legislation in regard to the increase of head-money; I don't ask about yourself, for I don't think you would do such a thing but anybody else? A. No; the only thing I ever heard was a statement made during that session of the legislature that a large sum had been spent in 1874; that is all I know about it, and so far as I know, there was not a dollar spent.

Q. You were continuously in the employment of the commissioners of emigration, from May, 1847, to May, 1873? A. Yes, sir.

Q. And you had advanced — you were a young man of course in 1847, as I was myself — you had advanced from being clerk up to being superintendent, and having the general charge of the affairs of the commission of emigration? A. Yes, sir.

Q. In 1873 there was a certain rivalry between you and Mr. Webster, as to whether you should continue, or whether he should be substituted in your place? A. Oh, no; I don't consider it so.

Q. You wanted to remain and he wanted to have your place? A. I have no doubt he wanted to have my place, but I want to say this: from the time I first became connected with the commission down to the time of my disconnection, I never solicited any member of the board for his aid, until 1873, and then I did it at the special request of a member of the board, that I should do it; but I took no particular care, and did not consider Webster a rival of mine by any means.

Q. You resigned because you understood Mr. Webster was going to be put in your place? A. Oh, no, I didn't resign, if you call it a resignation, until a member said "You had better do it, because I am the only one who is your friend;' but Mr. Quintard ran away to Charleston, so as to be absent from the meeting, and Mr. Forrest was my bitter enemy; and, said he, "Well, there are some members of the board who are not willing to vote for Mr. Webster, yet you might as well

send in your resignation, because you will be removed to-day;" after that they passed a series of complimentary resolutions.

Mr. ALVORD — In order to break the fall? A. It took me six weeks to get a copy of those resolutions from Mr. Webster.

By Mr. VOSBURGH:

Q. Did you hear any particular reasons for your displacement at the time? A. Yes, sir; Mr. Forrest and Mr. Kauffman told these other gentlemen that, if I remained, that I would run the commission in spite of them; that they did not know any thing about it, and I knew so much I would run it in spite of them, and that they wanted the political patronage of the place.

By Mr. WAEHNER:

Q. Did they get the political patronage? A. Mr. Kauffman wanted it; Mr. Forrest did not want it, because he considered himself a kind of a democrat.

Q. By whom was Mr. Webster appointed, which one of the commissioners? A. I think Mr. Stephenson and Mr. Hurlburt were the two most prominent in it, and they induced the other gentlemen to go with them.

By the CHAIRMAN:

Q. The fact is, that Webster's appointment was exclusively a political one? A. Yes, sir.

Q. Without any reference to his experience or knowledge or ability for discharging the duties of the place? A. Oh, yes; he told these commissioners that he was the only man fit for it in New York.

Q. Had he ever had any experience in Castle Garden? A. No, sir; the nearest approach to it was, he was a deputy surveyor of the port.

By Mr. DEVLIN:

Q. I understand you — perhaps I misunderstand you —that there was a man appointed to the office of quarantine, and subsequently sent to Ward's Island because he was a relative of the late executive? A. I understood he was, but Mr. Starr corrected me by saying he was not; but it makes no difference; I think the act was an improper one; if he was not fit to be down at quarantine, he certainly was not fit to be at Ward's Island, and was not fit to be at Castle Garden.

Q. According to your large experience in the commission, are there not causes which no human foresight can see, affecting the expenses of the commission, so that it is impossible to tell five years ahead how much commutation may be necessary to support the emigration for

those coming five years; as, for instance, diseases, pauperism, change in the value of articles, and such things as that? A. That is probably so, and for that reason men who understood the duties of the office would not be going ahead, spending their income as it came into them during a year of large emigration, but would be saving it and husbanding it against a year of small emigratien.

Q. Suppose they could not help it? A. That is just where you and I differ.

Q. In 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856 and 1857 were not the prices of every thing much lower, commencing at 1847, than they are in these times? A. Yes, sir.

Q. Labor, articles of every kind, needed to take care of the emigrants? A. Yes, sir.

Q. How much lower than they are now, in your experience; 50 per cent? A. No.

Q. Forty? A. Not quite so much as that; the difference between 1847 and the present time is not so great as the difference between the present time and the war years.

Q. I am aware of that, but isn't there considerable difference between 1847 and 1872? A. Yes, sir.

By the CHAIRMAN:

Q. There may be a large difference in the labor? A. Yes; in the labor.

By Mr. DEVLIN:

Q. But in 1872, or 1870 and 1869, all before the panic of 1873? A. The prices were high then; I want to call your attention to some figures; from 1853 to 1860 the head-money was $2; of that amount, of the receipts of the commutation fund during that time, making $2,645,707; there was paid county claims, $546,000; marine hospital expenses, $330,000; total of nearly $900,000 or 70 cents of the commutation fund of $2 went for the support of the Marine Hospital and payment of county claims; now, the Marine Hospital don't exist any more and the county claims are nominal.

Q. You say the Marine Hospital don't exist any more; it does not as a Marine Hospital? A. As far as its connection with this fund is concerned, I mean.

Q. Are not the patients that would go into the marine hospital for emigrants, now taken to Ward's Island? A. The emigrant portion of them are, but as I contend, the emigrant portion is small.

By Mr. WAEHNER:

Q. Do you mean to say this commutation money was applied to the

support of other persons than emigrants in the Marine Hospital? A. Yes, sir; certainly it was; the entire expenses of the Marine Hospital were paid out of the emigration fund.

Q. About what proportion of those were emigrants? A. Well, the number of emigrants was larger than the citizens, but the cost of supporting a citizen, generally those suffering from yellow fever and cholera —

Mr. VOSBURGH — Mr. Starr was in charge down there and he said only one per cent was citizens, and 99 per cent emigrants.

The WITNESS — Mr. Starr was there in 1848.

Mr. DEVLIN — I was commissioner in 1849 or 1850, and I lived down there and had charge of those hospitals, and according to my recollection a very large percentage were emigrants.

The WITNESS — The emigrants were diminishing every year.

By the CHAIRMAN:

Q. I see in your statement, Mr. Casserly, to which you have made no reference in your examination, you said that in 1847 and 1848 and 1849 and those years, the emigrants came to this country in sailing vessels? A. Yes, sir.

Q. Were a month or six weeks in making the passage? A. Yes, sir.

Q. And when they landed here they came in a state of destitution and sickness? A. That is so.

Q. When did the steamship companies first commence to begin to carry emigrants? A. In 1855.

Q. And you have a statement there of the ratio at that time and at present? A. Yes, sir.

Q. That would add largely to the expenses of the commission? A. During those years?

Q. Yes? A. Certainly is did, the emigrants came in such a feeble condition they required a long time and great expense to restore them to a healthy condition.

By Mr. VOSBURGH:

Q. What expenses are incurred here at the Castle Garden depot, outside of the regular pay-rolls; what is the running expenses; what daily expenses; what are they for? A. For repairs and for feeding destitute emigrants who are here temporarily; the repairs to buildings, keeping them in order.

Q. The commissioners feed them here in the garden? A. Yes, sir.

Q. Where do they get the feed? A. From the restaurant in the rotunda.

Q. In the statement that I asked Mr. Jackson to prepare, giving the months in 1873, 1874 and 1875 the number of arrivals of aliens, the pay-roll for Castle Garden, the pay-roll for Ward's Island and expenses of Castle Garden and the maintenance of Ward's Island, I notice in January, 1873 — the pay-rolls are all separate — expenses of Castle Garden, $5,275.05; then in February, $2,865; March, $764, $4,615, $4,586, $3,455, $3,000, $3,381, $2,700, $3,400, $2,500, $1,400 in December, and in 1874 that year the average is about $1,700 a month.

By the CHAIRMAN:

Q. What is the general nature of these expenses? A. They are for feeding these emigrants and advances made to emigrants on baggage.

Mr. JACKSON — The advances are not included in that.

The WITNESS — Repairs to buildings and the feeding of the emigrants.

Mr. JACKSON — Gas and rent?

The WITNESS — There has not been any rent paid, Mr. Jackson, for 20 months.

Mr. JACKSON — For 27 months there has not been any rent paid.

Mr. DEVLIN — In the year 1851, the commissioners report that there is remaining in the Marine Hospital 234 on the 1st day of January, and during the year there were 6,000 taken in, making 6,343 treated in the Marine Hospital; 4,329 came from the city; and the principal disease at the Marine Hospital was ship fever, brought by passengers; in the Marine Hospital, for the year 1852, there were 8,887 under treatment; the greater number of these were thrown upon the charge of the commission between January and April, so that the average number of patients under treatment was more than double, having risen from 517, at the end of 1851, to 1062 at the end of 1852; the number of patients were at one time as high as 1,409.

The CHAIRMAN — It seems evident, from the reports as well as from your recollection, that the head-money of $1.50, from 1847 to 1853 when it was raised to $2, was wholly insufficient to meet the different expenses; you account for it by including this Marine Hospital, and the charge that was upon the funds; it seems to be quite evident, from 1853 to 1867, when it was $2, that the commission was frequently under the necessity of making loans?

The WITNESS — They made three.

Q. To cover their expenses, but from 1867 to 1871, when it was raised to $2.50, then the commissioners, for the first time, accumulated a surplus? A. They had a surplus during that time and before that; if they had not had a surplus, they would not have been able to erect these buildings; when I say surplus, I mean surplus beyond the necessary expenses of the institution.

Mr. WAEHNER — Had they borrowed before 1867 ?

Mr. DEVLIN — They had borrowed $260,000, which was more than the buildings cost.

By the CHAIRMAN :

Q. These expensive buildings were erected during the time of the $2.50 head-money ? A. No, sir; the most expensive was the Verplanck Hospital, the corner stone of which was laid in 1864, and it was begun out of the accumulated earnings of the commission of previous years.

Q. From 1867 to 1871, it appears that there was a large emigration and that $2.50 commutation fund paid the expenses and left a surplus ? A. Here is the report of 1865; amount invested in United States securities and New York state and city bonds, $336,000; that was while the head-money was $2 ; it was not the accumulation for that year, but it was for that and previous years.

Q. That brings you down in the transactions of the commission to the 1st of January, 1865 ? A. Eighteen hundred and sixty-six ; this is the report for the year 1865.

Q. In 1864, they commenced the erection of a hospital. A. Yes, sir.

Q. Was it completed at the time that the report was made ? A. No, sir ; I think it was completed in the succeeding year, 1866.

Q. So whatever payment they had made on the hospital had been made, and this accumulated surplus besides ? A. They were accumulating and paying all the time, and that was the accumulation when the head-tax was $2.

By Mr WAEHNER :

Q. Do you regard the sum of $1.50 with emigration as it has been thus far this year, and as estimated for the balance of the year — which you know, I suppose, the figures — a sufficient sum to carry on the working of this commission successfully ? A. Not as it is this year, but as it has been since this commission came in, with the emigration that it had.

Q. It would have been ? A. Yes, sir.

By the CHAIRMAN :

Q. That is, if they had husbanded their resources ? A. Yes, sir; and been economical in their expenses.

Mr. DEVLIN—The commissioners say in 1867, that the beginning of the year just expired, the commissioners report as they now do, a considerable balance invested in securities ; they state in their annual report to the legislature that this was not to be regarded as a surplus ; they expressed a hope that when entirely free from debt, they would be able from their ordinary income to carry on the institution.

The WITNESS — I told the commissioners that I thought it was unnecessary to ask for that increase; that I thought they could do without it, I said so then, and I think so now.

By the CHAIRMAN:

Q. I understood you further to say that the legislature was petitioned to add fifty cents in view of the intention to erect new buildings? A. Yes, sir.

Q. That that was to continue for two years? A. Yes, sir.

Q. And in 1869, I understood you, the commission clandestinely succeeded in the legislature in removing that restriction? A. Yes, sir; Mr. Devlin knows something about that.

By Mr. WAEHNER:

Q. What do you say as to the remark just made by Mr. Develin, that the commissioners of emigration should at all times have a reserve fund after the manner of the insurance companies? A. I don't think so; I think they should husband the funds in large years of emigration to meet the fluctuation in emigration which is some times very violent; Mr. Devlin says to have a reserve fund all the time.

By Mr. DEVLIN:

Q. Then it will be reduced in these large fluctuations, and then you will have to make it good again? A. It is not by raising the head-money; it is by being economical in the expenditures.

By Mr. WAEHNER:

Q. Supposing, then, that emigration is small, and the prospective emigration is calculated upon as being small, is it not necessary to increase the head-money so as to cover the whole expense of the commission to relieve them from debt? A. That you are right in, if you commence from the first of this year, but if you go back to the first of May, 1873, it is different.

By Mr. DEVLIN:

Q. These buildings that they have for the emigrants are large, and the expense of keeping them in order every year is very considerable, and the time will come when the old buildings will have to be torn down and new ones put up, and the prospective change should be kept in mind; I don't think that a small emigration, if it is going to be small for several years, will require those buildings?

By the CHAIRMAN:

Q. I think I get your idea, Mr. Casserly; your idea seems to be that if in the years of large emigration, the commission had been managed prudently and economically, and the surplus had been carefully husbanded, that that surplus would have bridged over the subsequent years of small emigration? A. That is just what I mean.

Q. At $1.50 commutation? A. Yes, sir.

Q. That seems to be your general idea? A. Yes, sir.

By Mr. DEVLIN:

Q. But that money accumulated through a $2.50 head-money? A. I beg your pardon; it accumulated through a $2 head-money.

Q. That you used to erect hospitals? A. No, sir; the Verplank Hospital was built out of the $2 head-money.

Q. Then it was exhausted and gone? A. Yes; but emigration was continuing large.

By Mr. ALVORD:

Q. Which is the better way, to have a sum of head-money sufficient so that the reserve fund will take care of any possible exigency in the fluctuation of immigration, or to be compelled to say that the head-money to-day, with a large emigration, shall be $1.50, and next year, with a small emigration, having nothing on hand, shall be $2.50; is it not better to have an equable, straightforward price of head-money, even at the risk of getting a very large amount of surplus, rather than to change your head-money every time, as exigencies arise? A. Well, governor, I will tell you how I would answer that, if I were connected with the shipping interest.

Q. I am asking you now, not as connected with the shipping interest? A. In answering it, I want to answer it in the interest of the state of New York.

Q. I want you to answer it in the interest of the immigrant and in the interest of the state of New York, so as to relieve it from any burden? A. If you drive emigrants away from New York, you won't have them.

By Mr. WAEHNER:

Q. You don't understand the governor's question; he is asking you a general proposition, as far as the administration is concerned, whether it would be wise or prudent to change the head-money from time to time, or to have an equable rate.

By the CHAIRMAN:

Q. To have a uniform rate, instead of fluctuating from year to year, to meet exigencies? A. I think it would be better to have the change from year to year, according as it is required; if you have a uniform rate, and accumulate a large fund, it is simply an inducement to extravagance on the part of the commissioners; it has always been the case, as soon as they had a large fund; they didn't husband it, and they spent it unwisely from time to time; I don't say this in reference to this present commission.

By Mr. ALVORD:

Q. You must be just exactly as well aware of the fact, in politics, as I am myself; you are aware, and must be aware, of the fact, that where this public interest requires the enhancement of the head-money, and the private combination of steamship companies is against it, that it is almost an utter impossibility to do it; then I ask you, in connection with that fact, whether it is not best always to have a reserve fund, even at the risk of extravagance?

The CHAIRMAN — You are going on a wrong theory of politics.

Mr. ALVORD — I am asking this question: Isn't it a great deal harder to raise up to the necessities and exigencies, honest as they may be, of the public a tax like the head-money; a great deal better to raise it than it is, under any circumstances, to keep it down?

The CHAIRMAN — I object to the question, governor; your question assumes that the steamship companies are a large private interest, that necessarily corrupt legislation against the interest of the people; I object to that assumption.

Mr. ALVORD — Now, I want to know of the majority here, whether you are determined to squelch my question; I want an answer.

The WITNESS — I don't agree with you, governor.

Q. You don't agree with me? A. No, sir.

Q. I want to ask you another question; when did your brother first commence to have any connection, by way of counsel or otherwise, with the steamship companies? A. 1873.

Q. Not prior to that time? A. No, sir.

Q. Before or after your resignation here? A. No; in 1874, I should have said, instead of 1873.

Q. And no information was furnished by you to him during that connection? A. No; it was not required.

Q. You testified yesterday that, at the request of the commissioners of emigration, you went up there in 1872 to get an increase of the head-money? A. They sent me, and that was the object of my mission.

Q. And you advised the committee that you did not act in that direction? A. I said I did not take any interest in it, and didn't do any thing.

Q. Were you not in the employ of the commissioners at that time? A. I was; yes, sir.

Q. Do you think that you were doing your duty as one of their employees, sent for that very purpose, not to have done that? A. Well, I exercised my judgment after giving my advice to them.

Q. I understand all that, but you accepted the proposition that you should go up there, did you not? A. Yes, sir.

Q. Did you advise them of the fact that you would do nothing? A. I did not; they discontinued taking any interest in it themselves, because they found that they were going to be legislated out of office.

Q. Did they advise you of the fact that they desired you to remit any effort that you might be required to make their for them? A. No, sir; not particularly.

Q. And you did not advise them of the fact that although you went up there as their agent, for that purpose, that you were not going to do any thing? A. No; I don't know that I did; I wish to make one single remark, with reference to the head-tax itself, the constitutionality of it; I think the committee ought to give the subject of any idea of advising an increase in the head-tax, a good deal of consideration before they do it; I think you will find that some of the best lawyers in the State of New York believe that the tax is unconstitutional and that whenever it comes before the United States Court it will be declared so; it was declared so by the United States Court in 1849, incidentally, in connection with the decision of the court in reference to the hospital-tax; the court decided that no state had a right to levy or impose a direct tax on passengers or persons; the state in my opinion in the passage of the law of 1850 evaded that decision in so far that in lieu of a direct tax it imposed a bond which, from its nature, it is impossible for any steamship company to give; I will illustrate that in this way: say 200,000 passengers arrive here in a year; each of those passengers is liable to a bond to be given by the ship owner in the sum of $300, with two sureties justifying in double that amount; the limit of that bond is five years; there are 60,000,000 of dollars with sureties justifying in $120,000,000; in five years, say the emigration is 200,000 a year, there is $600,000,000 of capital tied up; the law is very strict; the sureties must give bonds in United States or state securities, or real estate, not liable to and exempt from execution, so that the real and personal property that represents the bond of one year, cannot represent the bond of the next year, or the third, or the fourth, or the fifth years, so long as those

bonds are enforced; now, I think that is an evasion of the decision of the United States court because it is asking people to do an impossibility, because there is no capital that would permit $600,000,000 to be tied up; I think that it is an axiom in the law, that a citizen cannot be held amenable for not complying with an impossible law; so that I say that the action of the state, through its legislature, was an evasion of that decision of the United States court, which said that the tax was unconstitutional.

Mr. DEVLIN — If it is an evasion, it does not violate it; one of the agents of the steamship companies has commenced an action against the commissioners of emigration to have the act declared unconstitutional; it is now pending, commenced last month; that is Henderson, and I believe many, if not all of the steamship companies, are now paying head-money under protest, or several of them; and Henderson's are the owners of the line that runs between here and Glasgow, and they have commenced a suit to test it.

The CHAIRMAN — I don't suppose this committee has any business, nor is it any part of its duty to examine and declare its own views as to the constitutionality of any law.

The WITNESS — No; but I think it might be well to take it into consideration.

Mr. Casserly suggests to the committee that, in his opinion, the law requiring criminals to be supported from the emigration fund, should be changed. (See chap. 426, Laws of 1855.) Also, there should be some provision that children born of immigrant mothers should not be supported from the fund.

Adjourned, to meet at Castle Garden, August 16, at 10:30 A. M.

MONDAY, *August* 16, 1875.

The committee met at Castle Garden, at 10:30 A. M., pursuant to adjournment.

Present — Hon. George W. Schuyler, chairman, *pro. tem.*, Messrs. Alvord, Gedney, Vosburgh, and Waehner.

Richard O'Gorman, being duly sworn, testified as follows:

By Mr. WAEHNER:

Q. You were at one time a commissioner of emigration? A. Yes, sir.

Q. Will you state when you were first appointed, and how long you

were in the office in that capacity? A. I first became a commissioner of emigration, I think, in 1866, as the president of the Irish Emigrant Society, and *ex-officio* member of the commissioners of emigration; I continued in that position until 1870, I think, when I ceased to be president of the Irish Emigrant Society; and, quite shortly afterward, a new commissioner was appointed by the legislature, and I was named as one of them; and I then re-entered as a commissioner, under appointment by the legislature.

Q. And you continued acting until 1873? A. Eighteen hundred and seventy-three.

Q. In 1871, do you know who the counsel to the commissioners of emigration was — the early part of 1871? A. In the early part of 1871, it was General Jones, I think.

Q. Do you know when General Jones was appointed as counsel to the commissioners? A. The books of the board will show that; it was shortly before that, at all events.

Q. Well, he was counsel during the year 1870, as appears from the records? A. Yes.

Q. Do you know of any letter of resignation being handed to you during the year 1870, by General Jones of his position as counsel? A. I do; I remember something of the kind; I remember that there was a letter of resignation delivered to me.

Q. Do you know what time of the year 1870 that was; whether it was late in the year or early? A. I know that it remained in my hands sometime before action was taken on it; because from personal feelings toward General Jones, I did not desire that he should resign the position; I wished that he should have an opportunity to reconsider his resignation which was placed in my hands, and held for some short time.

Q. It was only, however, a short time that the resignation was withheld by you from the board? A. It was only a short time; allow me to say that the letter of resignation has, of course, a date to it, and is among the papers of the commission, and that would show exactly; when you ask me to speak from memory about these questions of dates you will allow me to say that my memory is necessarily growing indistinct.

Q. Do you know whether General Jones, during the year 1870, was connected in business with any persons as a lawyer? A. Yes, sir; I cannot say that I know; but he was connected in business with Mr. Wilson and Mr. Rice, I think, at that time; the firm was, I think, Wilson, Jones & Rice; I know nothing of it, except from general judgment.

Q. Do you know whether he had any connection with one Michael Nolan about the year 1870? A. I do not.

Q. Of your own knowledge or from information? A. I do not.

Q. Did you, as president or as a member of the commissioners of emigration, come in contact with Mr. Nolan at any time? A. I don't think I ever did; in answer to your last question, let me say that I now have a general idea that Mr. Nolan was acting under General Jones in business of the commissioners of emigration, but when he was so acting I am unable to say, but my recollection is that I had — I have recently acquired, or had then — the idea that Mr. Nolan was acting under General Jones as clerk, or attending to some of the official business of the counsel to the commissioners of emigration.

Q. Will you detail to the committee what your recollection is, as to the proceedings taken by the commissioners of emigration, who initiated them, and who seemed to be interested in them, in reference to the reduction of head-money in the years 1870 and '71? A. The question of the reduction of head-money had been often informally discussed in the board; I should suppose that almost every member of the board took part in the conversation; I now remember very distinctly, Mr. Bell; and the view was presented that the shipping houses complained of the additional expense that it threw upon them, and of the damage to the port of New York, generally, by expenses affecting emigration to the port of New York, which did not exist in Boston; for instance, I remember we had some unpleasant questions before us, as to what to do with emigrants bound for New York, who were landed in Boston; they arrived here destitute; there seemed to be no provision made for them in Boston; and, by the strict terms of the law under which we existed, we did not think we had any authority to support any but emigrants landing in New York; so the question was presented to us, as to no charge of the kind being made in Boston; I was informed, I suppose, informally, in some such conversation, that some of the commissioners had had interviews with some of the shipping houses; and it was understood by me, and, I think, by other members of the board, that there was an understanding — an honorable understanding — among the shipping houses, that if the rate of head-money were reduced, there would be a corresponding reduction in the rate of passage-money; so that, in that way, the port of New York would receive the benefit of the additional inducement for emigrants to come to it.

Q. This was in 1870, was it? A. This was in 1870; and this subject was repeatedly talked of; at last, I think it took the form of a resolution, for which you will examine the records of the board; at the same time, let me say that this idea was working its way through the board; the question also came up, of the alleged indebtedness on the part of the

state, to the commissioners of emigration, all which is set forth in the reports of 1871, and, I think, 1872 — certainly in the report of 1872; it depended on the fact that the legislature of the State of New York, I think, in 1867 — I speak now from memory — had assumed the payment of an amount of, I think, $150,000, which was part of a mortgage of $200,000 which covered the real estate of the board at Ward's Island and, I think, elsewhere — Staten Island; ever since that time the commissioners of emigration had been paying interest on that $150,000 which had been assumed as an indebtedness of the state, and we claimed that the state ought to refund the interest to us that had been so paid by the commissioners of emigration; that would have amounted to something, I think, beyond $150,000; and it was insisted in the board that if the state would do that it would enable the commission to pay off its indebtedness and that we could start afresh with a reduced head-money and be able to go on; these two ideas having been accepted by the board resolutions were passed to that effect; I was, I think, requested to go to Albany to present both ideas; the reduction of head-money, and to ask that the legislature would consider the question of repaying the interest.

Q. From the records of the board it appears that a resolution was passed the latter part of January, 1871, requesting the legislature to reduce the head-money; were you the president of the board in 1870? A. I was elected president of the board almost immediately after the formation of the new board, which, I think, was in 1870.

Q. This matter was referred to a committee, was it not, to consult and confer with the steamship companies — this resolution, when first moved, in May or June, 1870? A. I think so; but the records will more distinctly tell you.

Q. And you appointed that committee? A. I appointed, I think, that committee; yes, sir.

Q. Mr. Wallach, in his testimony before the committee, stated that he regarded his appointment as chairman of that committee more in the light of being made a cat's paw to carry out the designs of individual members of the commissioners in relation to the reduction of head-money, which views the members entertained from personally interested motives; what have you to say in relation to that suggestion or evidence? A. As far as any connection of mine is concerned, Mr. Wallach is wholly in error; Mr. Wallach was a very active member of the board; and, if I appointed him on that committee, I appointed him simply in order that the committee might have the advantages of his services; his statement involves the idea that there was some intention on the part of the president of the board, or of the members of the board, other than the mere service of the commission-

ers of emigration, and through them the port of New York; I am not conscious of any.

Q. This question was put to you in view of the evidence given by Mr. Wallach that he had never been appointed a chairman of any committee of any importance — in fact, not at all, of any committee— during the whole time that he was a member of the commission, until this instance transpired? A. May I ask you who were the members of that committee?

Q. Mr. Barr, Mr. Lynch, and Mr. Wallach; Mr. Wallach was the chairman. A. I appointed Mr. Lynch because he was the president of the Irish emigrant society; I appointed Mr. Wallach because he was a leading German; I appointed Mr. Barr because he was intimately acquainted with the general freighting business of the city of New York; these, as well as I now remember, were my motives in making those three appointments.

Q. Was Mr. Barr at that time connected with the shipping interest? A. Mr. Barr was connected with the Erie railway, and seemed to be well acquainted with that general interest — the carrying interest, as I will call it.

Q. You stated that you were requested by the board to take this resolution of 1871, as I understood you, to the legislature? A. I was either requested, or there was an express resolution to that effect; I don't know which.

Q. You proceeded to Albany with this resolution? A. With this resolution.

Q. Can you state what time it was that you went to Albany with that resolution; was it immediately after its adoption? A. I have no doubt it was; I cannot state, except from inference.

Q. What, if any thing, did you do, with relation to the resolution, when you went to Albany; did you hand it to the speaker of the house, or the president of the senate; or take any step to lay it before the different members of the house? A. I went direct to one of the committee — I suppose, the committee on commerce — which met in Congress Hall; Mr. Jacobs, I now remember, was in the room at the time, and, I presume, on the committee; and I stated my views there.

Q. Mr. Jacobs, at that time, was not a member of the committee? A. He was in the room.

Q. Let me refresh your recollection from the the names; you, perhaps, will be able to recollect by that; Mr. Frear was chairman of the committee in 1871? A. I don't think Mr. Frear was in the room at that time.

Mr. ALVORD — Flanagan.

By Mr. WAEHNER:

Q. Mr. Flanagan was chairman — yes; Richard Flanagan; he was chairman of the committee on commerce and navigation in the assembly; Mr. Buck, of New York — do you recollect of seeing him there? A. I do not; the gentlemen whom I saw there were not intimate, personal acquaintances of mine, and I cannot, at this moment, recollect who they were.

Q. Mr. Cook or Mr. O'Brien, of New York, or Mr. Loutrel? A. I remember Mr. Jacobs was in the room.

Q. Will you be kind enough to explain in what manner you came to go before the committee on commerce and navigation on this resolution; was there a bill in the legislature at that time conformable with the resolution adopted by the board? A. There was a bill sent up, I think, previous to my visit; sent up to the legislature through, I think, Mr. Casserly, who was then the superintendent; and I went up to support that bill; whether there was a bill sent up actually drawn with relation to the payment of that interest-money or not, I do not know; but I think there was a bill sent up there with relation to the reduction of the head-money; I think so.

Q. And that bill, you say, was prepared, you think, by Mr. Casserly? A. I think Mr. Casserly took charge of the business; but my memory is not sufficiently distinct now to say to you, as a fact; my idea is that I went up there and supported a bill which was then before the legislature; that is my supposition in remembering the event now.

Q. The purport of that bill was to reduce the head-money? A. Certainly.

Q. During this period, from the time of the adoption of the resolution to the time that you went to Albany, had you received any information from any source that the steamship companies had retained any person in their interest to go to Albany? A. No, sir; none whatever

Q. Nor that Mr. Michael Nolan had been retained by the steamship companies in their interest at that time? A. None whatever; I never heard his name in connection with the matter until I heard it in this room stated by one of the gentlemen connected with the shipping interest of New York, when he was examined by a legislative committee such as yours; then, to my astonishment, I heard of his connection with the matter.

Q. During the time that you were in Albany, did you see Mr. Nolan there in relation to this matter? A. No, sir.

Q. And had no conference or consultation with him in relation to any joint action, as regarded this bill? A. No conference in relation to that, or to any thing else; I don't know that I ever interchanged a dozen words with Mr. Nolan until after I had ceased to be a commissioner of emigration.

Q. Do know who introduced the bill into the assembly which was recommended by this commission? A. I do not sir; I was then counsel to the corporation, and found it exceedingly difficult to give the attention that I wished to give also to this institution; I remember that I went up to Albany and came back immediately, having made my statement to the committee — as I suppose — the committee on commerce.

Q. In this connection I wish to call your attention to a certain circumstance, that from an inspection of the journals of both houses, it appears that but one bill was introduced into the legislature in relation to head-money; that bill was introduced by Mr. Frear in the house, and was ordered to a third reading immediately, without any hearing before any committee, and for that reason I would like to have you be very positive, if you can, as to whether there was any additional bill beside the one introduced by Mr. Frear upon which a hearing was had before the committee on commerce and navigation, and exactly what the purport of that bill was? A. I have no remembrance of any second bill, nor can I call to mind how the bill which I went up to advocate got before the house; your statement now, that Mr. Frear had charge of it, would lead me to believe that he, as a commissioner of emigration, as he was at the time, took charge of the bill.

Q. But there was no hearing, at any time, had before any committee in relation to that bill, as appears from the journal of the house? A. I know nothing about that; my sole connection with the business, apart from my action here as a commissioner of emigration at this board — my sole connection with the business was one visit to Albany the presentation of the case before that committee, whatever that committee was, and immediate return; I know nothing of any thing else.

Q. Did you take a copy of the resolution which had been adopted by this board, and leave it with the committee? A. I cannot tell you now whether I did or not; I presume that I did; I think, Mr. Chairman, that I took with me the memorial of the commissioners of emigration which you will find in the report of 1871 — which memorial was drawn up by myself; I think I took that with me — various copies of it, and presented it to the committee; at all events, I remember that that document was drawn by me, and that I argued from that; and I think that there was a second one also, subsequently — or, perhaps, at that time another document supplemental to that was drawn, probably by myself also; and these two papers I certainly presented to that committee as the basis of my argument.

Q. From this paper, glancing casually through it, it would appear that the sole object of it was to procure a reimbursement from the state of this sum of $150,000 and the interest which had been paid by the commissioners. A. Yes, sir.

Q. Is it not, perhaps, probable that your appearing before the committee of commerce and navigation was exclusively with relation to that matter? A. It probably was; I could not fancy or imagine that there could be any difficulty whatever in the legislature passing the bill which the commissioners of emigration themselves wrote reducing the head-money; I could not suppose that there could be any argument necessary for that, and I paid that branch of the question no kind of attention; I presumed that was a matter that there was no question about.

Q. That is precisely what I propose to get at; that the main object of your going before this committee on commerce and navigation was in relation to the subject-matter contained in the memorial; and that, perhaps, incidentally you might have made allusion to the other bill in relation to the reduction of head-money which had been recommended by the commissioners of emigration? A. The aspect of the case that I wanted to present to the legislature, through this committee, was simply this: "Gentlemen, you owe us so much money as representing the state, pay us that; that will enable us to pay off our incumbrance, and we, ourselves, ask you to reduce the head-money; but one act was supplemental to the other."

Q. I think I have got the true state of affairs at that time; you went there with this memorial chiefly to argue before the committee, and incidentally, you made allusion to the other bill which was at that time before the legislature? A. Yes, sir.

Q. Did you have any conversation with Mr. Frear at any time in relation to that bill reducing the head-money? A. None, whatever; unless what took place here with him as a commissioner of emigration; I have no recollection of having met him in Albany at that visit, or of ever having talked with him on the subject at Albany.

Q. Nor with Mr. Husted, who was at that time a commissioner of emigration? A. No recollection in the world of it; if I had met them in Albany I would have spoken to them as commissioners of emigration, but I have no recollection of having done so.

Q. You were at one time connected with Mr. Wilson, in partnership, who was subsequently of the firm of Rice, Wilson & Jones; did you ever have any business connection with that firm during the year 1870? A. None whatever.

Q. Nor 1871? A. Nor 1871.

Q. And never had any business relations with Mr. Nolan, of any character whatever, and in fact never knew him until 1872 in connection with this matter at all? A. I never had any business transactions whatever with Mr. Nolan; I made his acquaintance when he was clerk of the court of appeals — when he was clerk under General Jones, who was clerk of the court of appeals; I made his acquaintance there,

professionally; I never had any business transaction with him in the world, unless that he was opposed to me in a case.

Q. During the time that you were a member of the commission of emigration you, of course, had an opportunity of observing the workings of the commission and of forming an opinion as to whether or not any reforms were required; can you now state any matters that would require reformation or change to secure a better or more successful operation of the commission? A. At present?

Q. At present? A. All institutions which last for any length of time require reformation from time to time; the tendency of them always is to grow into defects; during my continuance on this board as a member of the commission I have seen a great many changes, a great many improvements, a great many things very well done, some things ill done; on the whole, I think it a most beneficent institution, and, if in the hands of persons who were in a position to devote their time to it, one likely to produce very great good to the city and State of New York; it has often been a question with me whether you can get respectable, honorable men who have a sufficient knowledge of the ways of the world, the necessities of the city of New York, to devote their time — and sufficient of their time to this institution without compensation; that has been a question with me from time to time; when I first joined the board, the president was Gulian C. Verplanck, a gentleman of leisure, extraordinary accomplishments and ability, who found it the labor of his life to devote himself to this institution, of course, without any fee or compensation; there were other gentlemen, I think, equally anxious, but who had not any time to spare; and if such men could be got, who would work for love and for the honor of the thing, that would be the best kind of government for this institution.

Q. Then you would recommend to the legislature to institute a commission of salaried officers? A. No, sir; I would not.

Q. You regard this as a charitable institution to be administered and cared for by the charity of the persons intrusted with it? A. I don't regard it as a charitable institution at all.

Q. Well, in the light of a charitable institution, to be managed without any fee or compensation by the persons who are intrusted in the management of it — in that light? A. I think that every institution has, as every man has, what may be called its constitution; if you change its constition materially you will seriously imperil its existence; the constitution of this board of commissioners of emigration was its government by gentlemen who would be proud to work without compensation; I think the legislature had better stick to that, and find the men, as can easily be done in the city of New York; if you change it, if you put it in the hands of paid officers you get a

lower class of men to attend to a duty which should be performed by the highest class of men; that is, the administration of the money of the emigrants themselves; I do not call it a charitable institution by any means; there is no charity in it.

Q. The view that I used the word "charitable institution" was simply as far as it concerned the persons who were to administer its affairs? A. I understand, sir.

Q. That it was a humane institution, in other words, and the officers managing it should not be paid for their humanity; in that light I put the question? A. If you will pardon me for the observation; I was answering, in effect, not what you said, the meaning of which I understood, but some phrases connected with this institution which have been used by various gentlemen of distinction, from time to time, and that was, that emigrants were receiving charity from the state; they are not; the state receives their money and applies it through this institution to their uses.

By Mr. ALVORD:

Q. Then, right in that connection, you think even that should obtain in the future as well as the selection of officers in the manner which you speak of; that it should not be a charity; in other words, that it should never be an incubus upon the state or its treasury, but should be self-supporting? A. I do; let the state pay its debts to this institution and then let the institution support itself.

Q. That is a question that is outside of this very point; this, simply, is the abstract proposition whether this institution ought to support itself; if it gets its debt from the state that the state owes it, of course, that would help it; but that it should support itself rather than the state help it? A. I think it ought; I think, in its present condition, it does not cast over the citizen that dependence which, in spite of all you may reason on the subject, would attach to him if he received support upon his arrival upon these shores through a strictly speaking charitable institution.

By Mr. WAEHNER:

Q. During the time that you were a member of the commission of emigration did you, at any time, notice any causes which occasioned particular differences — religious causes, or any thing in that way between the members of the commission so as to create discord and interfere with the harmonious operations of the board? A. None more than, I think, naturally arise among any board or commission who are wholly different in antecedents and general train of thought; there were from time to time differences; they were not angry, nor differences impossible to overcome.

Q. And, generally, the workings of the commission were harmonious during the time that you were a member of the commission? A. Reasonably so.

Q. During the time that you were a commissioner of emigration did you familiarize yourself with the condition of the board so far as it related to the employees, whether there was too great a number, or whether the number was proper and reasonable for the successful working of its affairs? A. I think that after the creation of the new board, of which I became president, the number of employees was probably for a short time too great; a great many very necessary improvements were made here in Castle Garden, and in also in Ward's Island, and a great many employees were brought about the place — probably more than were actually necessary; I think it was so.

Q. Did this prevail to any great or marked extent; or was it of trivial importance? A. I don't think it was of great importance; every outlay more than was necessary actually was of importance, but I don't think it was of great importance; there were, for instance, probably too many sweepers employed about the place; small officials of that kind.

Q. But large sinecures did not exist? A. I do not know of any sinecure.

Q. Well, those who almost amount to it, I mean? A. No; I cannot call to mind at this moment any; I think the various employees of Castle Garden here had a great deal of work to do; whether their salaries were not, in some cases, too high I won't say; probably they were; but I don't know of any sinecures.

Q. Mr. Casserly, the superintendent about that time, testified before the committee the other day that a system prevailed, and came into vogue — I think it was in 1869, if I mistake not — and prevailed of splitting up the work of the employees; that where one man had previously discharged the duties of the office, he would go and complain to the commissioners that the duties of his office were too large, with a view of retaining him in the employ of the commission and at the same time affording an excuse to the commissioners of putting some of their personal or political friends into office; did you notice any thing of that kind while you were connected with it? A. I did not, sir; the work of the board was done by two committees; by the Castle Garden committee and by the Ward's Island committee; if any thing of that kind was done it was done by these committees; I did not know any thing of it; I cannot call to mind any case which came to my knowledge; I think there were a great many new improvements adopted; there was a post-office and some others (what might be called bureaus) that I suppose required new appointees; but I had no reason to believe they had not duties to perform, and were not fulfilling them.

Q. During the time that you were a member of the commission I think there was a person by the name of King in the employ of the commission as purchasing agent? A. Yes, sir.

Q. It is charged that during the time that he was purchasing agent there were gross irregularities in his accounts, so far as the purchase of supplies was concerned; did you, while a commissioner, hear of any of those charges and can you now specify to the committee what they were? A. I heard of those charges, I am sorry to say, for the first time on the examination of members of the board before a legislative committee.

Q. In 1872? A. Yes, sir; and I was excessively chagrined that these members of the board had not communicated to the board itself — the various committees thereof — the information which they then communicated to the legislative committee; I, for the first time, then heard these things.

Q. Have you any idea why these commissioners kept this information to themselves and did not recommend it to the board for action? A. No, sir.

Q. Did you familiarize yourself with the system adopted here for the purchasing of supplies generally? A. I did not, sir; I left that to the committees, who, I supposed, took charge of it.

Q. You were not an active member of those committees — I think you was *ex officio?* A. I was, *ex officio*, member of all the committees, but I did not act upon any of them.

Q. Suggestions have, from time to time, been made before this committee, that it would be well for the legislature to repeal the act providing for the care of persons by the commissioners of emigration, and who are a tax upon the commutation fund, and who stand somewhat in the relation of criminals under the act of 1855; would you suggest a repeal of that act, or an amendment of it, so as to do away with the charge upon the commutation fund? A. Yes, sir; I don't think it is fair to charge upon the immigrants, who are guiltless, the expenses of the guilt of those who have offended against the laws of this state; I think that charge should certainly be taken from the commissioners of emigration.

Q. Do you regard the constitution of the commission, as at present, a proper constitution, or would you suggest a reduction of the number of persons connected with it; that is to say, make it a smaller commission? A. You ask me a question which I dare not answer, without more thought than your short notice has given me time to give to it.

Q. But if this were a paid commission, of course, the smaller the number of persons the more advantageous it would be for a harmonious and a positive action, and the responsibility would be thus divided

more than with a commission so large as at present? A. If you will take a paid commission, governed by some person or persons receiving pay for their services, I think it would be better to put one responsible man at the head of it, and make him answer to the public for all that happens; if you have two, or three, or more men, you split the responsibility, and the public don't know who to blame or who to praise; the difficulty is, if you have as commissioners men of standing and position in society, they have other occupations which would prevent them from giving the whole, or any large part of their time, to it; and, therefore, the work must necessarily be split up; it is just the same question that arises in the government of a bank by directors; I believe directors, generally, are not paid.

By Mr. ALVORD:

Q. But the result in all cases is, that the actual work is done by the paid officers; directors, who are not paid, don't do but very little of it; they come in merely upon an exigency? A. Yet their appearance and the weight of their character and position, keeps the whole machinery stronger for all that.

Q. Not always? A. Well, that is a cardinal fact.

Q. As far as I am individually concerned, whether this matter be in the hands of a paid commission or whether it be in the hands of a simply honorary commision, my idea is, that in either event, while you may find one, two or three in a commission — or eight or nine — who will devote a very large portion of what may be valuable time to this business, the balance of them are simply ornamental, and devote that time which they cannot conveniently devote at convenient times and seasons to themselves, and do not devote the time which the necessities of the case require, because it interferes with their own private business? A. The tendencies are that way; and I remember, during the first year of my connection with this board, the attendances were numerous — Mr. Verplanck, Mr. Curtis, Mr. Winston, Mr. Loutrel, Mr. Rapp, and myself, I think, used to be always in attendance — always a quorum; and I think the work was well done; but the general principle, that you state, I of course quite willingly accede to; at the same time it is dangerous to press it too far in a republican country.

By Mr. GEDNEY:

Q. From your superior knowledge of the requirements of the institution in connection with the shipping interest, if it should become necessary, for the support of the institution, that this head-money should be raised from its present sum, what interference would that have in our shipping houses in this city? A. I can only answer that

by referring to the interference that the reduction of head-money had; I understood, in the board, that if we obtained, from the legislature, a reduction of the head-money, that the shipping interest would reduce the rate of passage money; they did not; they made no change whatever; I think I am right in stating that; I do not believe that they would raise their passage money if the head-money were raised.

By Mr. WAEHNER:

Q. That head-money has nothing at all to do with the bringing of emigrants to this port? A. I won't say that it has nothing at all to do; but I think that its influence is comparatively nothing.

Q. Because of the superior facilities and advantages afforded to the emigrants here? A. Everybody in Europe, in Germany, and in Ireland, knows that, in the city of New York, there is a provision for emigrants, if misfortune overcomes them; and I believe that knowledge of itself brings more emigrants to this port than if there was no charge of head-money.

By Mr. GEDNEY:

Q. Do you believe that those emigrants that you have spoken of in those countries, have any idea of that head-money? A. Yes, sir; not of the special way it works; but I think they have a knowledge that, in the port of New York, there is a protection for them which they don't find in other ports.

Q. They don't know then, whether they pay or not? A. I don't know any thing about that.

Q. Do you think that if it should be found necessary to support the institution free of the state, that it would be wise to undertake to raise that head-money? A. I do; I don't suppose that there is any necessity of raising the head-money, beyond what it anciently was; I don't know the present condition of this board at all, and I don't know what they are asking from the legislature.

Q. I am only presuming that it might become necessary? A. If it became necessary, I believe it is the duty of the State of New York to do it.

By Mr. ALVORD:

Q. Do you not believe that the diversion of passengers, in almost every case, from this port, as a general rule, to Boston and other points, is owing more to the fact that vessels are loaded with an exceptional freight for those points, and carry passengers simply as an incident of their voyage? A. I do.

Q. Isn't that evinced from the fact that while they have to pay $1.50 head-money here in the port of New York and nothing at all in

Boston, provided they land their passengers there, and see that they are outside of the limits of that state within 24 hours — that is their law — and they take those passengers on a vessel freighted from Boston and pay their expenses from there to New York, and land them in New York, so as to avoid any head-money in Boston? A. That is so.

Q. And it is practical evidence of the fact that it is the freight which carries them there, and not the emigrant — the head-money? A. I think so; it is a convenience to them to put passengers in a ship which is freighted for Boston, and they collect as many as they can into it I suppose.

By Mr. WAEHNER:

Q. At Baltimore the head-money is $1.50, the same as it is here and some of the steamship companies have testified that, as far as landing passengers there is concerned, it is by the increased railroad facilities, the reduction of railroad fare to the west, etc.; that that is an inducement to emigrants to go there? A. There is that increased facility in the last few years, a very great facility, which the city of New York had better look out for.

By Mr. ALVORD:

Q. That is a commercial question, and no bolstering up by the state in the way of the reduction of head-money, or any thing of that kind, can do any thing about it; it must be done by the commercial men of the state cheapening their rates of competition? A. That is it.

James Lynch, called and sworn, testified as follows:

I noticed, Mr. Chairman, the general plan of your examination of witnesses, and, having that in view, I yesterday made some notes for my guidance in giving testimony, and if you will permit me I will follow my notes.

Mr. WAEHNER — You will then make a general statement — seeing, of course, what the course of the examination has been — of what you deem of interest for the committee to know, and they thereafter will put such questions as they think proper in explanation of it.

[The witness then read to the committee the following statement:]

I was elected president of the Irish Emigrant Society in January, 1870, and re-elected year after year since that time; have been a member of the board during the whole period; have been attentive to the duties of my position; from the beginning have been a member of the Ward's Island committee, and was its chairman for one year; during the time of my connection with the commission the *personnel* of the board has been changed three times, and some alterations in the laws governing the commission have been made by the legislature; the

most important being the reduction of the head-money from $2.50 to $1.50; the deprivation of the mayor of Brooklyn of a seat in the board and the taking from the presidents of the Irish and German societies the right to vote on the appointments or removals of subordinates; so far as I know all the members of the several boards performed their duties honestly and with reasonable fidelity; without any disparagement to my former associates, I do say that the present board, as it now exists, is as able, attentive to duty, and efficient as any that preceded it during the past five and a half years; in the general duties of the commission important changes and improvements have been made; the hospital department is supplied with necessaries that previously were not allowed; the refuge department, both male and female, is vastly improved; the lunatics are better cared for than before, and decent interment is provided for the dead; these, and many other changes for the better, have been effected without additional cost to the commission; the board is in good working order as at present constituted, and notwithstanding financial difficulties, the various duties of the commission are, in the main, being faithfully and effectively carried out; some of the employees are overworked, and very few of them are properly compensated; in my opinion the board should be constituted of five or seven members, including the representatives of principal nationalities, and should serve, as all boards have hitherto done, without salaries or pay of any kind; I have read ex-Commissioner Stephenson's testimony as given before this committee; almost all that he said against my conduct as a commissioner was on hearsay, and in relation to alleged transactions about which he personally knew nothing; he repeated the stories of others; when the incompetent and heartless clerk, Perley, classified the poor emigrant girls in the labor bureau as "free lunch grabbers" and "hard cases" I tore down the lists instantly on seeing them, and reprimanded Tyson, the chief clerk, for permitting such an outrage to be perpetrated in the office.

Tyson and Perley have been discharged, and since they left I have not once been troubled with complaints from the labor bureau; Mr. Stephenson is now out of office three months, and since he left we have had order, quietness and harmony in the board; just as he left he gave a couple of dying kicks in the New York *Times;* his first letter I effectually answered, and my answer was printed; the next I contradicted by the affidavits of Commissioners Hurlburt and Starr, but the *Times* for once was unfair, and did not print this second letter of mine; Stephenson's malignity was so manifest, that the libelous stuff he wrote failed of its object; if he had only acted like a man, and said what he had to say to individual commissioners or to the board, instead of advertising himself in the newspapers, he would probably

have received more consideration than was given him of late in the commission; in reference to the commission generally, there cannot be two opinions about the enormous benefits conferred through it not alone on the state, but upon the country at large; and that it has been a blessing to the five and a half millions of emigrants that have been protected and cared for by it every one acknowledges; to let the institution fail for want of support would be not only bad policy, but almost criminal; the commission of emigration was brought into existence mainly through the efforts of the society I have the honor to represent, and the Irish have shown their confidence in this great establishment by almost all of them coming to the United States making their first landing-place New York; experience has proved that neither high rates for passage, nor head-money, will induce them to enter America by any other port; since 1847 there has been remitted through the Irish Emigrant Society more than $11,000,000, in gold equivalent to the old country, and I venture little in saying that the most of that large sum was to aid in bringing people to America; it is fair to say that probably as much more was sent through other channels and for the same purpose; the society has sent thousands upon thousands of circular letters like the one I hand you to induce emigrants to come this way:

EXHIBIT No. 1 OF AUGUST 16, 1875—F. A. M.

The Irish Emigrant Society of New York publishes the following information for the benefit of persons about emigrating from Ireland to the United States of America:

Emigrants who intend to settle in any of the northern or western states should, before leaving Ireland, purchase tickets direct for the city of New York, and not for any other port or any place beyond it. Arriving here, at the emigrant landing depot, Castle Garden, under the charge of the commissioners of emigration of the State of New York, they can buy railroad tickets at the lowest rates for passage to all parts of the country.

Emigrants landing here are, in case of sickness, entitled to admission to the hospitals of the commissioners, where they will receive medical attendance and proper nursing. When they come by way of Quebec, Montreal, Portland, Boston, Philadelphia, or any other city outside this state, they forfeit all the benefits of the commissioners of emigration established for their protection and interest here.

Emigrants arriving at other ports cannot receive here the protection of the commissioners of emigration of this state, nor the advantages and safeguards afforded by the emigrant landing depot at Castle Garden.

No other city or state has an institution similar to the emigrant

landing depot at Castle Garden, New York, where emigrants and their luggage are landed and protected, and where they can meet their friends and relatives who may expect their arrival, or can correspond with them immediately on landing, by telegraph or post, and where employment may be procured by those in search of it.

All services rendered by the officers and employees of the commissioners of emigration are without charge or expense to emigrants or their friends, or to any person having business with the officers of the commissioners.

The president of the Irish Emigrant Society is a member *ex officio* of the board of commissioners of emigration of the State of New York.

An extract from the rules and regulations for the government of the emigrant landing depot, Castle Garden, will be found appended.

Board of Trustees of the Irish Emigrant Society.

Robert J. Dillon, Hugh Kelly, John P. Nesmith, Jeremiah Devlin, Edward Bayer, James S. Hennessy, James Lynch, James Slevin, Edward Frith, Lewis J. White, Jeremiah J. Campion, Eugene Kelly, James Olwell, Henry L. Hoguet, Edward C. Donnelly, Joseph Fisher, Richard O'Gorman, John H. Power, Henry J. Anderson, Wm. Von Sachs, Romaine Dillon, Jas. B. Nicholson, Thos. H. O'Connor, Bryan Lawrence.

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Office of the Irish Emigrant Society, 51 Chambers street, New York, April 14th, 1870.

COMMISSIONERS OF EMIGRATION OF THE STATE OF NEW YORK.

Extract from the rules and regulations for the government of the Emigrant Landing Depot, Castle Garden, in the city of New York.

All emigrant passengers arriving at the port of New York, and their luggage after being checked, must be landed at the emigrant landing depot, Castle Garden, free of expense. Passengers are earnestly requested to take personal charge of all their property not checked.

Emigrants desiring to take any railroad or steamboat route, for which tickets are sold in this depot, will communicate with the officers of the railroad agency, and select such route as they prefer. The agent of said route shall be required to transport such emigrants and their luggage to the railroad depot or steamboat landing *free of charge*

The names of all emigrants expected by friends and relatives will be

announced, and all answering to their names will be transferred to such friends and relatives as may be waiting for them.

Before the removal of luggage of emigrants having bought tickets of the railroad agency the same must be weighed and each piece labelled and checked to its place of destination, with a common number of all the pieces of luggage of any one passenger, and a proper check given to the owner, setting forth, *in ink*, the number of his luggage ticket, the number of pieces of luggage, the gross weight, the overweight, and the charge he is liable to for its transportation to the point of destination — which check shall be signed in ink, as a receipt for the luggage, by an authorized representative of the railroad agency.

Emigrants desiring board and lodging are advised to communicate with the keepers of boarding-houses having permission in this depot, and who will be allowed on the floor for this purpose. Every boarding-house keeper, when soliciting an emigrant for his house, must hand such emigrant a card, setting forth his name and residence, the prices, in gold and paper money, of board and lodging, by the day and week, and for single meals and night's lodging.

The galleries and floor of the depot will be open for the free use of recently arrived emigrants, until ready to take their departure, and they are requested to make use of the wash-rooms before leaving the premises.

Emigrants wishing to buy food can purchase at the bread stands and restaurant in the depot at prescribed rates, as stated on cards at such stands.

Emigrants remaining in the city of New York or vicinity must defray the expense of removing their luggage from the depot, and are informed that for this purpose a baggage express is admitted to the depot.

Emigrants seeking employment are requested to apply to the chief clerk of the labor bureau, and to make use of the labor exchange attached to the depot.

Emigrants desiring to deposit money or valuables over night, are advised to do so in the office of the general agent and superintendent, who will give a receipt therefor. Employees are forbidden to take charge of such money or valuables of emigrants, unless the same be handed them after business hours, in which case report shall be made as soon as possible to the general agent.

Emigrants wishing to have their baggage transported by the express company at the depot, are requested to leave the proper directions at the express office before leaving the premises. Those desiring to take away their baggage can receive it on the day after landing, and are requested to apply for it themselves, for the purpose of identifying their property.

The railroad agency and its officers are permitted to accept, in payment for railroad tickets, and for over-weight of baggage, gold and silver — allowing for such gold and silver in current funds, within one per cent of the market rate, and furnishing to the emigrant a printed slip setting forth the number and denomination of the coins purchased, the respective rates paid therefor, and the whole amount paid.

All services rendered by the officers and employees are without charge or expense to emigrants or their friends, or to any person having business with the office.

OFFICE OF THE IRISH EMIGRANT SOCIETY,
CHAMBERS STREET, N. Y., *April* 14, 1870.

It has established a savings bank here — the Emigrant Industrial — that now holds $14,000,000 for 28,0000 depositors, and within the last five years it has dispensed $53,000 in charities.

Its former presidents were Dr. Robert Hogan, James Matthews, Gregory Dillon, Andrew Carrigan, Robert J. Dillon and Richard O'Gorman; its executive committee even to-day is composed of some of the first men in this community; the disadvantage they are under in being so poorly represented in this board; when the year closes, I hope they will elect a president better fitted for the place than I am; this is the society that Casserly and Stephenson tried, by their action in Albany last winter, to deprive of a seat in this board; I regret that the president of the German society is not here to give testimony as to his institution; I think he could say as much for his society as I have said for mine; the works of both are nearly identical; I am of course ready to answer any other questions the committee may ask.

By Mr. WAEHNER:

Q. You say that you have been a commissioner by virtue of being president of the Irish society since 1870? A. Yes, sir.

Q. During the year 1870, will you state to the committee whether the official force of the commissioners was too large, or whether it was reasonable and proper to carry on the workings of the board successfully? A. In my opinion, they could have carried on the work of the board successfully with fewer men, especially in Castle Garden.

Q. Can you now state what reformation in that respect you should have recommended; what changes were necessary to be made; what reduction of force? A. I think the force of this particular office was too large; Mr. Casserly had one or two assistants; I think Mr. Daniel Casserly was here, and Mr. Hicks was here; Mr. Wheeler was the treasurer; he was receiving a larger salary than it was proper to pay him; I think Mr. Cautador was receiving a very large salary outside;

according to my recollection, I think the most of these people could have been dispensed with.

Q. Now, with relation to the office of treasurer, as now constituted, the affairs of the treasurer's office, the secretary's office and the purchases of supplies, are all administered by one man? A. They are, sir.

Q. Could any reduction have been effected in the year 1870 in either of these departments? A. I think so, sir; the same routine of work has to be done to-day, and in addition to purchasing, which was done then.

Q. At that time you had a purchasing agent besides? A. At that time the purchases were made through Bonnell & Adams, a grocery house in Front street; if they wanted to buy dry goods or drugs or any thing, they sent down to that house to make purchases for them.

Q. Did Bonnell & Adams have any connection with any one of the commissioners at that time in business? A. Not to my knowledge.

Q. Do you know whether any one of the commissioners at that time were interested in any of the purchases of supplies made through Bonnell & Adams, or have you any opinion as to that — we, of course, allow you a latitude here — any information or rumor? A. Bonnell & Adams, as I said, had to make all the purchases; my impression is that they purchased stationery from Francis & Loutrel; Mr. Loutrel at that time was a member of the board; that, however, I do not imagine was very much; I don't know what the stationery cost per annum, but my impression is that stationery was purchased, if not all of it, from Francis & Loutrell.

Mr. CASSERLY — Mr. Loutrel was not a member of the board in 1870 nor since.

Q. Was Mr. Loutrel a member in 1870? A. Early in 1870 he was; from January to May, 1870.

Q. Were there any others in Castle Garden or in the commission, or any subordinate connected with the commission, who had any interest in the purchasing of supplies through the firm of Bonnell & Adams? A. No; I think not.

Q. Was there any member of the commission related, or any subordinate related, to either of the members of that firm? A. Not to my knowledge, sir.

Q. In what way did it come to pass that these gentlemen were retained as purchasing agents for the commission? A. They were the purchasing agents when I entered the board; permit me to say, gentlemen, when I came into the commission as representing the Irish-American society, I regarded it more as my special duty to look after the immediate wants of the immigrants themselves, than to look into the details of the management of the commission, especially as I

was somewhat green at the time and inexperienced in the general management of the commission.

Q. Were there any other officers connected with Castle Garden, that you deemed unnecessary, in 1870, besides those that you have enumerated? A. I don't think so, sir.

Q. When was the post-office established? A. That was not established until later.

Q. The labor bureaus, were they in existence in 1870? A. They were, sir; the forwarding bureau was also in existence.

Q. What was the relation of salaries, were the salaries to subordinates too high, or were they reasonable and proper? A. I think they were quite high, in some cases; I think $4,000 to Cautador was too much for a man to be chief clerk outside, half the amount would be enough.

Q. What were the particular duties of his office? A. I think he had to look after especially the labor exchange, and superintended the work outside.

Q. What do you mean by superintending the work outside? A. The general counting-house work in the outer office.

Q. What were his office hours; did he have any fixed office hours, or did he come and go at pleasure? A. I don't know, but I think he was expected to give his time and attention to the work of the commission, during reasonable working hours.

Q. What was the fact? A. I cannot say, sir; in those days, my impression is that no time-book was kept, but I am not positive on that point.

Q. No civil service was established at that time? A. For some years past a time-book has been kept, in which all employees are obliged to make a record of the time they come here in the morning, and when they leave in the evening.

Q. Was there any salaries of any other persons connected with the commission that you think were too high, in 1870, in Castle Garden? A. Yes, sir; I think Mr. Wheeler's services were not worth $4,000 a year.

Q. He was treasurer at the time? A. He was treasurer; he was nominally treasurer; he was a poor book-keeper; I would not give him a place in my establishment, I think, as an accountant; an honest man, a very good man, no doubt.

By Mr. ALVORD:

Q. What was he worth? A. I should think $1,500 a year would be fair pay for him.

By Mr. WAEHNER:

Q. And he was receiving $4,000? A. Yes, sir; he did receive $4,000.

Q. Any other person whose salary was too high, in your opinion? A. I would not like to say that; gentlemen may have rendered great services, and the services may have been immensely valuable.

Q. I am talking now about persons whom you knew to be connected with the commission of emigration, and you knew what their services were, and whether or not the services rendered by them, or the position held by them, entitled them to receive a salary as large as they did receive? A. Mr. Casserly was the general superintendent; he was somewhat of a commander-in-chief, immediately under the board; I think he was, within the scope of his duties, to see to every thing under the direction of the board, and to see that all orders be carried out; and he was permitted a good deal of latitude; his title implied what he was; he was secretary and general superintendent; perhaps $6,000 was not too much for a man of such immense talent as he possesses.

Q. Was $6,000 too much for the services that he rendered, or was that reasonable and proper in view of the present experience of the commissioners, when you have one man here doing all that?

By Mr. ALVORD:

Q. Without being invidious — suppose you put your question in this way: could a man who could have performed the duties, so far as you know, that Mr. Casserly performed, have been hired, and been satisfied with a less compensation? A. I do think so, sir.

Q. You think so? A. I do, decidedly; I think Mr. Jackson is an able man; he is a modest man; he is a man that does not presume much; but he is an intelligent man; he does almost all the work that was done by Mr. Casserly, his two assistants, and Mr. Wheeler, and looks after, somewhat, the work that was done by Cautador, and the purchasing in addition; in reference to the matter of politics or managing legislation, or doing various things that may, perhaps, have been necessary in certain times, I don't think Mr. Jackson would be the man.

Q. He is not a qualified person in that respect? A. It is not his trade; Jackson is an honest man.

By Mr. WAEHNER:

Q. In 1871, these same officials existed, together with the appointment of a purchasing agent, at a large salary? A. I think it was May, in 1870, that the purchasing agent was appointed.

Q. Mr. King was appointed purchasing agent? A. Yes, sir.

Q. What was his salary? A. According to my recollection, it was $3,000 a year.

Q. Bonnell & Adams had not been paid any thing, had they? A. Yes, sir; they got a percentage, either one or two per cent; I am not quite sure what they got.

Q. How much in a year did that amount to for the purchases that they made? A. I could not say, sir; the books will show — I suppose they will.

By Mr. SCHUYLER:

Q. It may be proper that we should know whether you had any voice in the appointment of these employees? A. I had, sir.

Q. At that time? A. Yes, sir.

By Mr. WAEHNER:

Q. Was there any increase in the official force in the office, in 1871, that was unnecessary? A. I think that some removals were made, and some persons were appointed to fill the places of the removed parties.

Q. But there was no reduction of the number of officers or places? A. I don't think there was.

Q. I want to get at what the increase was? A. I could not tell you.

Q. Well, the records of the commission show that in 1871, 1872, and 1873, the salaries ran up high, and that it was by reason of the increase of the official force, not the salaries; I am speaking generally; do you believe that from 1870 down to the present time, the salaries paid to the subordinates in this department were too large, or whether they were reasonable for the services actually rendered; whether a man could not have been employed irrespective of politics or irrespective of the personal friendship of the commissioners, who would have done the same work at a less figure; you as a business man employing them? A. Generally, I should say, they were reasonable; there were some who received more than their services were worth, in my opinion, and some who did not receive enough compensation; I don't think the physicians on Ward's Island were sufficiently well paid when I came into the board.

Q. Do they receive any higher salary now than they did in 1870 and 1871? A. They do not; I think the salary is lower than it was in 1870 and 1871.

Q. But you find competent men who are willing to accept the position now at the salary that is paid them? A. I could not say that precisely; the men are fixed on Ward's Island, and they do not want to leave their places because their salaries are reduced; I doubt if you would find competent men in the community here to go and serve as they serve, at the wages they are now receiving; I think that the

physician in chief, who has the control and management of the hospitals there, ought to receive at least $3,000 a year, and my impression is that he is only getting $1,200 or $1,500; I think the resident surgeon ought to receive a large salary; he is not receiving much; I think, too, these people around the office here — that at present the salaries are rather too low; there are people under this present board that received, in my opinion, more than their services were worth.

Q. Mr. Casserly, in his evidence last week, said that the system prevailed, I think, from 1869, if I mistake not, up until the time that he left the board, of dividing up the duty of the various offices, thereby creating new officials unnecessarily; did you observe any thing of that character whilst you were a member of the commission — people desirous of retaining their own places, and at the same time affording an excuse to the commissioners, or a commissioner particularly, to have somebody appointed whom he desired? A. Well, the only thing that I remember was the post-office; they established two post-offices downstairs that, from my present experience, were useless and unnecessary.

Q. As far as Mr. Casserly's particular department was concerned, he had administered that for years, without the assistance of one or two persons that you have named; was there any thing, as far as that was concerned, that was of the nature that I have described? A. My impression is, that the force of Mr. Casserly's office was not increased.

Q. During 1870? A. During 1870 Mr. Hicks was removed, and according to my recollection, Mr. Hart was placed in his place; and Mr. Daniel Casserly resigned, and I think Mr. Bernard Casserly brought Mr. Jackson from Ward's Island to assist him.

Q. And the duties of Mr. Casserly's department were discharged without the assistance of Mr. Hicks or Mr. Daniel Casserly, except the assistance of Mr. Jackson? A. And for a time Mr. Hart.

Q. And that was subsequently discontinued also, was it? A. Yes, sir.

Mr. CASSERLY — Discontinued by the death of Mr. Hart.

Q. When did Mr. Hart die? A. Eighteen hundred and seventy-three.

Q. Did you, at any time, endeavor to cut down the expenses of the commission, or call the attention of the board to these unnecessary officials that you have described? A. I don't think I did in old times; in reference to that general subject of employees, I took no active part; the patronage, I took it, belonged to the politicians; I was not here as a politician, and on an appointment I generally voted with the majority, and they increased salaries, and I never opposed it, and I never caused any one to be appointed to office in the first place, except in one case, where I spoke in favor of a person who was recommended by an estimable gentleman of the city here, and who was appointed,

and continued in the labor bureau for a short time; when this new board came in, he was removed.

Q. That was the only appointment you ever had? A. The only appointment I ever had, and the only appointment I ever asked; strictly speaking he was not my appointment.

Q. During the time that you were a member of the commission, from 1870 to 1873, or down to this time, did you pay any particular attention to the supplies that were furnished on Ward's Island, to ascertain whether they were of good quality as compared with the price, or whether the price was too large, as compared with the quality? A. I did, sir; I paid special attention to it for a year, or about a year, that I was chairman of the Ward's Island committee.

Q. What year were you chairman of the Ward's Island committee? A. I was chairman the year previous to this present board coming into existence; Mr. Stephenson succeeded me as chairman of the Ward's Island committee.

Q. During that time what can you say with relation to the quality of the articles, compared with the price, that were purchased for Ward's Island?

A. So far as I know, they were all right; I was familiar in a general way with the price of ordinary merchandise, such as flour and sugar and coffee; of tea, perhaps, I was not a judge; but I found they were purchasing at reasonable prices, so far as I knew; the villainy of this man, King, was, in the matter of shoes, at least, so far as we found it out; he purchased shoes for 90 cents a pair, and charged $140 for them; I was not a judge of the value of shoes; in fact, during my time I had but little to do with it, except in a general way, being a member of the committee.

Q. Now, in relation to your knowledge as a member of the committee in reference to the conference with the steamship companies, in 1870 and 1871, give the committee any information you have in relation to that matter? A. According to my recollection, the matter was spoken of in the board, and it was suggested that a conference be had; and a special committee was appointed by Mr. O'Gorman, who was then president, to confer with the steamship companies; the committee consisted of Mr. Wallach, Mr. Burr and myself; the representatives, I think, of all the lines carrying passengers to New York were here present upon that occasion, and the subject-matter was discussed, and I think the session lasted some two or three hours.

Q. What time was this conference; was that in 1870? A. In 1870 or 1871; I won't be sure which; I didn't charge my mind exactly with the time; I remember the circumstances and the names of the parties who were here pretty well, and what was done; I, myself, put the question to Mr. Schwab, and generally to the board, asking, if we would

recommend a reduction of the head-money, if they would make a corresponding reduction in the price of passage, or a greater reduction; we thought the price of passage was rather too high; they said that they could not make promises; but Mr. Schwab, of the Bremen line, did say: "Enable us to run our ships cheaper, and we will carry passengers cheaper;" I think that is about as far as they went; he gave us an impression, however, that an effort would be made to induce the parties on the other side, who owned and controlled the ships, I believe, to lower the rate of passage.

Q. The understanding that you had at the conclusion of that conference was, that if you would recommend to the legislature the reduction of head-money, the steamship companies would make a corresponding reduction in the rate of fare? A. That was my understanding, yes, sir.

Q. You reported the action, or your chairman reported your action, to the full board, I suppose? A. Yes, sir.

Q. In pursuance of that report, a resolution was adopted recommending to the legislature a reduction of head-money? A. Yes. sir; unanimously.

Q. Did you at that time know Michael Nolan? A. I am not quite sure whether it was previous to that time, or subsequent, that I was introduced to Mr. Michael Nolan, on a boat coming up from Long Branch; that was the first time I saw him; and the second time, I chanced to meet him at my brother's, in Fordham; I used to see him there; beyond that, I never saw him, and never had any conversation with him before or since; when I saw him at my brother's, however, it was subsequent to the villainy, and I declined to recognize him or speak to him.

Q. Who introduced you to Mr. Nolan? A. I don't remember; it was some passenger coming up from Long Branch; he was surprised that I did not know Mr. Nolan, who was the partner of Mr. Jones, Jones & Nolan, at that time, doing the law business of this commission.

Q. But you have never met Mr. Nolan, other than you have stated? A. Never.

Q. What was done, in pursuance of the recommendation, of your commission at that time, in 1871; was a bill prepared? A. I understood that a bill was prepared in this office.

Q. Who prepared that bill? A. I guess Mr. Casserly, or Mr. O'Gorman; I cannot say; but I understood, as the action was unanimous, that a draft would be made, or was made here, and was sent up to Albany, and it went right through without any objection, of course; every one seemed to be in favor of it.

Q. Did you, in any of your conferences with the steamship companies, or in conversation with any of the agents, had at that time

obtain any idea or form any opinion that they had employed any person to look after their interests in Albany? A. At that time, I had no knowledge of it whatever; but very soon afterward I learned something of it.

Q. When did you learn it, and what was the nature of your information? A. After the law was passed and in operation, and the head-money was $1.50, I had a conversation with Mr. Williams on the business of my society, something about the price of passage or commission or something, and incidentally referred to a report that was around at the time; Mr. Williams did not give me an exact answer, but something he said was somewhat suggestive, and I asked Mr. Schwab — in fact, I charged Mr. Schwab — with it, and he half admitted it, and subsequently Mr. Hurst.

Q. State now what that fact was? A. My conversation with Mr. Williams did not amount to any thing, according to my present recollection; I met Mr. Schwab in Broadway, and I said to him that I understood that they had given money to influence legislation, and that their giving money was totally useless and unnecessary and immoral, and I was shocked at finding such a man as Mr. Schwab mixed up in such a dishonorable kind of business; he said that he was opposed to it and didn't like it, and wouldn't go into such business again; he did not tell me what the nature of the transaction was; I, in a kind of off-hand way, said that it was reported that half a dollar — and that was the report that prevailed at that time — was to be paid to this lobbyist for one year on all passengers that might arrive, and it would be presumed that there would be about $300,000 net.

Q. Can you recollect now who was the first person that mentioned to you this circumstance? A. I think Mr. Wallach was the first one that mentioned that to me.

Q. Did Mr. Wallach say any thing at that time in relation to regarding himself as a cat's-paw in that proceeding? A. No; he has said so since, and I chimed in with him, and said that I thought we both had been used as cat's-paws, although, perhaps, I ought not to have said so; I am quite sure that Mr. O'Gorman, who appointed the committee, would not make cat's-paws of any one in such a disreputable business.

Q. In what way did you come to regard yourselves in the light of cat's-paws; what led you to come to that conclusion; what was your course of reasoning on that subject?

A. I thought it was a sort of put-up job; that same outsiders or insiders had a knowledge of what was to be done, and were instrumental in getting it carried out; that is all guessing, however; I do not think it is proper to assert it — at least I do not answer those questions except with this qualification.

Q. Of course; we allow great latitude on all testimony of that character; what we want to get at is the real truth; and sometimes hearsay rumors afford us a clew; did you at the time of this conversation with Mr. Schwab call his attention to the fact that the commissioners of emigration had passed a resolution recommending the legislature to reduce the head-money? A. I think I did.

Q. Did he say any thing then, upon the head of that, as to the necessity, or the unnecessity, I may almost say, of employing a lobbyist or person at Albany? A. No, but subsequently Mr. Williams did.

Q. What did he say in relation to that matter? A. Mr. Williams, according to my recollection, in giving testimony before the other committee — that was Judd's committee, or Bennett's committee — seemed to have, or said he had knowledge to this effect; that he thought the use of this money was necessary.

Q. He did seem to have knowledge of the fact that this resolution had passed? A. Yes, sir.

Q. But that he thought that the use of the money was necessary in addition to that resolution? A. Yes, sir.

Q. Who were these outside parties and inside parties that you surmised were connected with the passage of that resolution, or influential? A. I would not like to answer that.

Q. Well, have you any reason to suppose that any person connected with the commission of emigration, either as a commissioner or as an employee, was connected with the steamship companies at that time, and by reason of that connection influenced the board or was particularly interested in the passage of that resolution by the board? A. I prefer not to answer that — in fact I cannot answer it, because I might do innocent persons very great injustice; I might guess right and guess wrong.

Q. Then it would be a simple matter of guess-work or surmising? A. Entirely so.

By Mr. VOSBURGH:

Q. Isn't there a link or circumstances connected with this thing by which you can form a definite opinion? A. No, I hardly think so.

By Mr. WAEHNER:

Q. In 1872 there was also legislation asked for by the commissioners of emigration at Albany, was there not, requesting the legislatue to increase the head-money? A. Yes, sir; I think so.

Q. And in pursuance of that resolution to which the board came that year, Mr. Casserly, then in the employ of the commissioners, was sent to Albany to further the bill? A. Yes, sir; that is my recollection.

Q. Do you know whether Mr. Casserly did any thing in pursuance of that resolution, or not — whether he reported any thing to the commission? A. I don't know that he did, sir.

Q. Did the commissioners, at that time, seem to be lukewarm in relation to the increase of head-money, or was it really an honest opinion on their part that the head-money should be increased? A. It seemed to be an honest opinion; I guess it was.

Q. You did not go to Albany that year, did you? A. I am not quite sure that I did; I went to Albany once in relation to this debt that it was claimed the state owed to the commission.

Q. But not in relation to this head-money, until in 1874? A. Yes, I went in 1873, I think.

By Mr. ALVORD:

Q. Mr. Lynch said that in 1872, when Mr. Casserly was sent up there for the purpose of furthering the resolution passed by the board, he understood that the board was sincere; I would like to ask Mr. Lynch, whether he was one in favor of the raising of the head-money? A. I was; I was very reluctant in giving my consent to the resolution to reduce the thing to $1.50, because I thought, from my own slight knowledge of the working of the commission, that it would not be sufficient.

By Mr. WAEHNER:

Q. Mr. Husted, one of the commissioners of emigration at that time testified before the committee that he received letters from two of the commissioners at that time, requesting him to oppose the bill, or withdrawing their assent to the resolution previously adopted by the board; were you one of these gentlemen that wrote Mr. Husted a letter on that subject? A. I was not, sir.

Q. Have you any knowledge or information as to which of the commissioners at that time it was? A. I have not, sir; I wrote Mr. Husted, I think, a letter or two, and my recollection is that I said nothing at all on that subject; I don't believe I did; it was in relation to the reorganization of the board and in relation to the powers of the president.

Q. In 1871 you are speaking of now? A. Eighteen hundred and seventy-one and 1872; when I first came in here, early in my experience, in May, 1872, or April, when this first change was made in the board, the intention was to leave out the representatives of the societies, as I was informed; Mr. Bissinger, who was then president of the German society, went with me; we had notice that this action would take place very late in the day, and we had a special meeting of our society, of the executive committee, up there in Chamber street, and I was urged to go right up to Albany with Mr. Bissinger, and we went up

to Albany together, and we then found out that we were to be legislated out of office, but upon having an interview with Mr. Sweeny, at the Delavan House, he patiently heard what we had to say on the subject, and he said he guessed that would be all fixed, and the bill was amended so as to leave the heads of the two societies in the board.

By Mr. ALVORD:

Q. That could not be in 1872? A. No; it was 1870; I say 1870; I had only been a few months in the board.

Q. Mr. Sweeny had no power to dictate to the legislature in 1872? A. It was two years before that.

O. Mr. Sweeny was of no account in 1872? A. He was very accommodating on that occasion, and I was very grateful to him.

By Mr. WAEHNER;

Q. In 1873 you went to Albany, did you, in relation to this head-money? A. Yes, sir; I think I did, sir.

Q. Did you make any argument before the committee of the legislature which had that in hand? A. Was that the time that Mr. Alberger was the chairman of the commerce and navigation committee?

Q. Yes. A. Yes; I did about the head-money and about the position of the presidents as well, for they had it all there together; Mr. Henri S. Hoguet went with me and Mr. Bissenger, and, I think, some other German gentleman.

Q. Was there any person there in opposition to you, before the committee? A. The only person that was there, I think, was a man who, at that time, had charge of the express down stairs; and, I don't really know what his business was before the committee; I appeared before the committee and had something to say, and Mr. Hoguet and Mr. Schack, who was with me then, and Mr. John E. Devlin.

Q. In 1874; when you appeared before the committee on commerce and navigation? A. In 1874, we appeared before the joint committee.

Q. Who appeared in opposition to you then? A. We were notified that we would be heard upon a certain evening, and we went to Albany; I had no desire to go to Albany, but they pressed me very hard and I thought it was very important, and did go, and appeared before the joint committee; Mr. King, I think, was chairman; he asked if there was any one there in the interests of the steamship companies opposed to this bill, and no one answered; and then I was invited to say what I had to say, and I made something of an argument; Mr. Henry Nicoll, who was present on the occasion, stood up and said that he was counsel for the Anchor line, Henderson Brothers, and he was surprised to hear this argument, to the prejudice of the interests of the steamship people, as he termed it; and he asked that the matter be

postponed until he could get orders from his clients, and, on his motion, the matter was postponed for a week about, I think; then the following week, or whenever the second meeting took place, before this same committee, I was present, Mr. Wakeman and Mr. Bernard Casserly and Mr. Daniel Casserly; Mr. Wakeman did all the talking; that, I think, was the last of my going to Albany, in that year, upon that business.

Q. In 1875 you were up at Albany, were you not, in relation to the matter? A. Yes, sir; I was there one day in relation to this thing; that was subsequent to our getting a set of written interrogatories which were to be answered, and were answered by us down here, and sent up there.

Q. Do you know who prepared those interrogatories; have you heard who prepared them? A. Mr. Calkins, the clerk of the house, told me that he wrote all the questions in the first instance; Senator Booth told me that he wrote all the questions from manuscript furnished by Mr. Bernard Casserly, for the supplemental questions; I said, when I appeared before the committee with Mr. Forrest and Mr. Starr, that we were ready to answer any questions that they proposed to ask us, in addition to the ones they had already asked us; they did not then ask us any questions, I think.

Q. After these written interrogatories had been answered by you, you and Mr. Forrest and Mr. Starr went to Albany, and stated to the committee that you were then ready to answer any questions that might be put to you? A. Unquestionably I did.

Q. Explanatory of your previous statements — elaborating on them, or making clear any thing that was obscure? A. Yes, sir.

Q. And the committee said what? A. The committee did not ask any question; they listened to — Mr. Bernard Casserly was there upon this occasion, and Daniel Casserly and Mr. Rudd; and Mr. Rudd made a long argument; he said that he appeared in the interest of the steamship companies; I notice that there is some discrepancy in his testimony as I read it in the newspapers the other day, that he was not retained by the steamship companies — Mr. Rudd.

Q. He appeared in the interest of the steamship companies; that is reconcilable with the position that he held at that time; the committee this year seemed to be perfectly satisfied then with the answers that you had made to the written interrogatories? A. I did not hear any thing to the contrary at all.

Q. And you volunteered to make any additional statement that was required? A. I did on my own part; and I might say that Mr. Clark, a member of that committee, is reported by the papers, to have made a speech in the Assembly chamber very much to my damage.

Mr. ALVORD — Correctly reported, too.

The WITNESS — I say the speech, if it was correctly reported, as Governor Alvord says it was, was an unjust attack upon me personally; he took as his text a newspaper report of what I said in Castle Garden; the report did not intend to be an exact report; I was reported in the third person; it was done loosely; the gentlemen of the press generally try to be accurate; but this was a mere newspaper report, and upon that report he stood up and made this speech in the house; previous to my speech in Castle Garden I had knowledge of the fact that the committee was aided in this work by gentlemen not connected with the committee; I believed Senator Booth when he told me these stories, and I believed that somebody else had a hand in the preparation of this answer; I said it on belief; I did not say it of my own positive knowledge, because I had no positive knowledge of the fact, and I said I supposed that he was aided by some one in Albany in getting up this report, or having it written for him; and upon that Mr. Clark, or whoever he is, goes off on a tangent and pitches into me generally; it didn't hurt me very bad what he said, any more than other blackguard things in the papers; Mr. Stephenson, my old friend, makes the most of it here in quoting what Clark said about it; if he is a good man he owes me an apology, and it ought to be made before the house, and you tell him so; it seems that the committee had nothing at all to do with getting up the questions; they were all prepared outside.

By Mr. WAEHNER:

Q. At the time that Mr. Stephenson was a member of this commission, judging from the tenor of your statement made, there seems to have been a considerable lack of harmony with some of the members of the commission, or with yourself personally; will you state how that originated, and what the cause of it was? A. When this new board came into existence, of course I had not, as I had no right to have, any thing but the kindliest feelings toward the gentlemen constituting the new board; I had been, as I say, chairman of the Ward's Island committee for the year previous; they had, as I was informed, had caucuses at Mr. Hurlbut's house and at some place down town here, and they arranged about the organization of the commission and the fixing of committees and so on, and I found Mr. Stephenson was named as the chairman of the Ward's Island committee; I properly, according to my own notion of things, went to him and said that I would go up to Ward's Island with him and would point out all the various places in the department, and would aid him in all the ways that I could in getting him thoroughly initiated into the work of the commission; he had not been, I believe, connected with any public body or public institution before that time; he said "no," in a

kind of an off-hand way; he said he could find out things for himself; I said, "Very well — go ahead;" so he commenced to find out for himself; and then he made things particularly lively up there; he would have it appear, almost — well, in many respects Mr. Stephenson is a good kind of a man; he is a queer compound; he has good qualities and bad qualities.

Q. As far as that is concerned that is immaterial to this investigation? A. I only want to explain; you asked me how the troubles were brought about; I cannot tell you how the troubles were brought about if you won't permit me.

Q. As far as the qualities of Mr. Stephenson are concerned we will not investigate those? A. Well, the intention seemed to be to get hold of the patronage of the whole institution; I opposed that in the board and with individual members as strongly as I could.

Q. Excuse me; right in this connection it will be entirely appropriate to the testimony given by Mr. Casserly the other day; after the present commission came into office Mr. Casserly's evidence was substantially to the effect that about 50 per cent of the employees were changed; and that there was no reason for it whatever except what he supposed were political reasons; is that evidence true in that respect? A. I think it is not true, sir; it may be true in part; it is true in part.

Q. What part do you regard as being a truthful statement and what part as being an erroneous one as to the practice of this committee as to the cause for the changes? A. Well, to begin with, the storekeeper on Ward's Island, who was reputed a democrat at that time, but it seemed that he traced his appointment to Mr. Carrigan, and was put in because he was a republican, Mr. Carrigan being a republican; he, however, was turned out for what they said was "cause," but it was not cause, it was a kind of trumped-up thing; he was a good accountant, a sensible man, an honest and faithful man, according to my belief; he was removed and a man totally unfit for the place was put in his position; instead of Mr. Saxton, who was previously store-keeper, they appointed Mr. Bennett store-keeper, whose trade was that of a butcher, and who acknowledged to me that he never measured a yard of calico or put up a pound of sugar in his life; he did not know any thing about it.

Q. I am talking now generally as to the statement made by Mr. Casserly in relation to the causes for the changes in the department — whether the percentage is correctly stated as to the changes made, or whether the cause assigned by Mr. Casserly was the true one for the changes made in the department?

Mr. CASSERLY — Will you allow me to make a remark, that my statement about the percentage of changes referred more particularly to Castle Garden than to Ward's Island; of course, it had reference to

a certain degree to Ward's Island, but more particularly and to a larger degree to Castle Garden.

Mr. WAEHNER — I suppose we can get at that matter in a simpler form; let Mr. Jackson make to us a statement, and make up a list of the persons and the offices held by them in 1873, when this present board came in, and then showing the changes.

The WITNESS — That would be better; my general impression is that the changes were not so great, although the figures would show precisely.

Mr. CASSERLY — Mr. Chairman, I will state my knowledge on the fact of the correctness of my remark.

Mr. WAEHNER — We will ascertain from the records.

The WITNESS — I would rather, if it is the pleasure of the committee, give my testimony, and let these things come in afterward; I don't like to be interrupted or let this argument put me off the train of thought; I find here, in glancing around, that the same man who had charge of the rotunda, Mr. Coonan, an Irishman, is there; and Glynn, who has charge outside — an Irishman — he is there; Fitzpatrick, an Irishman, he is there; all these people have been allowed to stay; Mr. Tom McQuade, who had general charge of the door down there, permitting people to come in, he has not been discharged; I cannot see where all these changes were made, especially of men high in office.

Q. We will see by the records; there was a matter that you suggested incidentally in your testimony, which the committee have not yet investigated, which seems to be of a good deal of importance; what system do you adopt in case an immigrant dies on Ward's Island, and has any assets, where do you bury the immigrant? A. We bury the immigrant on Ward's Island.

Q. And the assets or personal property which an immigrant may possess, what is done in relation to that; is that turned over to the public administrator, or do you administer it yourselves? A. I think it is turned over, in most cases, to the public administrator; at times, if there are brothers or sisters, or husband and wife, and it is clothing, a trifle of money, or things of that kind, that probably belongs to one or the other, although it may be in the possession of the party who died it is given over to him; that is my impression.

Q. Within the time that you have been a commissioner of emigration, or connected with this commission, have any charges of any character been made as far as the administration of that branch of the affairs is concerned? A. Not to my knowledge; no serious charges.

Q. Mr. Stephenson, in the course of his testimony, alluded to a want of harmony existing between the individual members of the commission, by reason of the fact that if he made any change, or in case he

directed the discharge of an immigrant from the island, another person would put the person back, and alluded particularly to the workings of the labor bureau, in that respect; do you know any thing in relation to that? A. As to Ward's Island and for myself, I can say that such a charge is absolutely and entirely untrue; I have no recollection of ever having countermanded the written order of any commissioner, or the verbal order, if it seemed to me right and proper; as to the labor bureau, I was not advised of these orders that Mr. Stephenson says that he gave; but the orders, even according to his own construction, he was not competent to give, and it was not proper to give such orders.

Q. There were no orders at any time made by the commission acting as a board, which you directed to be countermanded in any respect? A. Never.

Q. Either in the labor bureau, or at Ward's Island? A. Never; and I always aimed not to interfere with my brother commissioners in any particular; if they would direct a certain thing to be done, and it seemed to me to be improper to have it done, I would be very likely to go to them and talk to them about it, and reason with them, and perhaps have the order countermanded; I have read Mr. Stephenson's testimony; I have notes of it; and he has made a great many serious mistakes.

Q. If there is any thing in the evidence of Mr. Stephenson with which you disagree, and you have made any memorandum of it, as you say you have, you will call the attention of the committee to it, and make such a statement about it as you think proper; as Mr. Stephenson's evidence covers a very wide scope, of course to go to into details would be utterly impossible? A. I think that thing about the saving on Ward's Island is entire nonsense.

Q. The what? A. The saving on Ward's Island; that could have been made by taking away what was known as free board; he said it would save $25,000 a year; I don't think it would cost half that amount to board all the people that are required there, or a quarter of it.

By Mr. ALVORD:

Q. That is, the free board of the employees? A. Yes, sir.

By Mr. WAEHNER:

Q. How many employees are there at present, do you know? A. Excepting nurses and orderlies, there are very few; there are only the physicians, the clergymen, if you may so call them, the engineers and the store-keepers.

Q. And the superintendent? A. Yes, sir; he said he wanted to equalize the standard of salaries; now, we have been acting on the

theory, and we have a rule here in the board that people who serve the commission faithfully for a number of years, and qualify themselves for the position of nurses, that they ought to receive better salaries than green hands, who are taken in without experience or knowledge; he wanted to cut down all the salaries and make them all alike; he would pay a woman who served there 26 years the same rate of wages as a person who would come in yesterday; the majority of the board did not agree with him, and I think they were right.

Q. And he felt dissatisfied in regard to that? A. Yes, so he says; he says here that the labor bureau, as conducted, was an utter disgrace; that is absolutely and entirely wrong; I think it one of the best institutions about Castle Garden; and it was in the main well conducted; at times mistakes would be made, but not serious ones; the people who resort to labor bureaus are less than five years in the country; some of them when they come here, of course, get into very poor places, even the wretched boarding-houses about here, and when they once get into such a place, they, of course, want to get into a better place, and they often change, and people come here, and when they have a recommend from an establishment of that kind, a well-to-do woman don't want to take them; but it is our duty, I think, to look more especially after that class than after people who are better able to take care of themselves; he has gone to the pains of making out a list of such persons, and he finds that there were 50 or 60 of them in a year or so that come back here two or three times, and could not keep places; I suppose they would not be kept in their places; perhaps they were not able to work, and they were discharged, and they had to struggle along and do the best they could; at times, they were not as orderly as they might be — they would get up a dance or a song; my place of business was No. 18 Broadway, and I had frequent complaints from these people, and I did go down several times and spoke to the men in charge and advised them to treat these people kindly, and do the best they could under the circumstances; not to be harsh, and not to turn them out on the Battery — that they had no right to do it; as to sending in people against the order of another commissioner, I don't know that any other commissioner ever did it; perhaps Stephenson did; as far as I observed, he took very little interest in the labor bureau; his special pet was Ward's Island; he was seldom down here, as far as I know, except when the board met; I was always at hand; it has always been the custom of boards to concede to the presidents of societies that special care and watchfulness be exercised by them over people of their own nationalities; I suppose Mr. Stephenson —I don't know but that he is as much an Irishman as I am; I don't know whether he was born there, and if he wants to make himself out as one of these angels or old colonists — I

guess if there was Irish in him there would not be so much fight in him; he makes a complaint about my taking down these lists that were there in the labor bureau; he ought to be ashamed of himself for doing such a thing as that; what right had a clerk in that office to stick up a sign there, and head it "Hard Cases," in large writing, and then write the names of a number of poor women?

Q. That you say was done? A. That was done.

Q. By whose order was that done? A. I don't know; it was not by my order; but if it was done by the order of a commissioner or not, I tore it down; another was headed "Free Lunch Grabbers"—poor creatures, without a cent of money in their pockets, came in here, and we furnished them shelter; how could they get lunch but by begging it in the garden or by begging it in the street? and the commissioners, in the proper exercise of their duties, gave them a little to eat—not much; they had them classified as "Free Lunch Grabbers;" I had a right to remove that man; the commissioners, however, said they were about breaking up, and they would settle it in a few days, and the matter was allowed to lie over; I take his language: "So far as the general management of the commission was concerned, I always regarded it as in a sort of demoralized condition the whole time I was commissioner; that what one commissioner might do, another commissioner would oppose;" well, I guess, I can safely say that Mr. Stephenson was the chief cause of the disorganization, for since he left there has been no disorganization, and we get along just as a perfect happy family; "there was no harmony in the board;" I don't know what he means there; I think there was harmony in the board; Mr. Stephenson had a weakness for running to the newspapers and writing letters to them; the committees met pretty regularly; the board met twice a month pretty regularly; we generally had quorums; the business was always conducted in a proper and orderly manner; Mr Stephenson, instead of making a motion in the board would say nothing about his grievances, but would go outside and talk about them; that seemed to be almost a rule of his; he made the disorganization in large part, and, as I say, since he left we are getting along very well without him; he says here, "I have no recollection of this thing;" he says he declared publicly in the board that he would furnish a million dollars security, and give $25,000 for the contract, to run the commission under the law governing the commission for $1.50; in connection with that, he testified that his view of it was that the stringent prosecution of those special bonds would afford a great deal of relief, and, of course, he is erroneous in that respect, as appears from the evidence thus far taken.

By Mr. ALVORD:

Q. I understand Mr. Lynch to say that he says he made that public declaration in the board, and you say you have no recollection of it? A. I have no recollection of it; it was kind of random talk: I don't imagine, nor could any man in his senses imagine, that the State of New York was about to let out its business by contract, and for the contract to receive $25,000 a year from the contractor; I suppose you gentlemen in the legislature know what state contracts amount to; very likely he could carry on this commission for $1.50 a head, and make money out of it, and pay the state $25,000 a year; but how would it be carried it; well, the thing doesn't deserve any attention — it is all balderdash; and he says that the business should be carried on as a man should carry on his private business; Mr. Stephenson is not an expert, I fancy; I don't see where he could get his experience; his position in this community, as far as I am informed or know, is that of a clerk in the smallest bank in the city of New York — the Fifth National — whose capital is only $150,000; and I don't see that his name apppears as president, or cashier, or any thing else; I believe he is a notary public; so that, as a business man, I don't know as he is an astonishing success, to set up his experience to be followed by others, as an example.

By Mr. WAEHNER:

Q. Do you regard the affairs of the commission, as at present administered, with the official force which you have on hand, as successful? A. I do.

Q. Suppose that immigration were to increase much more next year than this year; say, if you were to have an immigration of 200,000 what would you say then about the present clerical force; would it be sufficient to carry on your operations? A. No, it would hardly be sufficient, I think; I think Mr. Jackson has too much to do now, for one; he ought to have an assistant.

Q. We all recognize that; the committee are all in favor of giving him a salary of $6,000; I believe he is worth it; now, since 1870, have you observed whether the appointments made in the board of subordinates, as a general thing, were governed by politicial influence, or whether they were appointments made by reason of the merits or qualifications of individuals? A. Well, I think private interest had something to do with the appointments.

Q. Do you think that political influence entered in to a considerable degree? A. Yes; to some degree.

Q. Well, that should not be in a board of this character? A. I don't think it should be; I heard that Mr. Gardner was a political appointment; he was receiving a large salary, and, so far as I could

observe, was doing very little; I objected to his being retained here and the answer I received was, that he saved more than his salary in the amount of gas saved, and the saving generally, to Castle Garden, looking to things; Mr. Stephenson also said: "On consultation with the medical board, four doctors present, they said that changes could be made without detriment to the health of the patients;" now, these gentlemen say, or some of them, certainly, Dr. Ford and Dr. McMasters, that they were not consulted as a medical board; they were asked individually, and an answer suggested to them by Mr. Stephenson, who was the chairman of the committee, and they expressed to him that they thought some of the suggestions that he made could be carried into effect; but Dr. Henri, who was surgeon-in-chief, positively opposed the thing, and that the condensations that Mr. Stephenson desired, could not safely be made without detriment to the health of the patients.

Q. By reason of exigencies that might perhaps arise? A. Yes, sir; and even as it was, patients were entitled to a certain amount of space, and more patients should not be put in the wards than were already there; and that some wards should be relieved of a number of patients.

Q. And some reserved in case of exigency? A. Yes, sir; so that no particular saving in the management of the hospitals, except the nurse's wages, could be had.

Q. How many of those wards were there there? A. I think there were five or six.

Q. What saving would that consolidating make? A. The nurses and orderlies.

Q. How many nurses do you have? A. We have one nurse in charge.

Mr. JACKSON — The total number of employees on Ward's Island, is 66.

The WITNESS — He also made remarks here about parties being taken in from the Battery who were not emigrants.

Q. Do you know of any thing of that sort? A. I do not; I don't believe it; I do know that if such a thing occurred, that Captain Clearman, of the night-watch, who is the appointee, I think, of Mr. Stephenson or Mr. Starr, failed to his duty.

Q. In failing to report? A. Well, in admitting them at all, in the first instance.

Q. Is Captain Clearman here now? A. He is; he is evidently not fit for the place if he permits such business; he also spoke of bringing bread from Ward's Island to feed the emigrants here; instead of a profit, it would be a source of great loss to us; the boat runs only three times a week, and the bread might be stale or sour by the time it

got here, and what would you do with it? the persons down stairs buy what is absolutely necessary, and any one can see whether the immigrant gets the worth of his money by what he receives at the bread stand; what they get there for ten cents would certainly cost 70 cents in Delmonico's, in the way of sandwiches; and the purchase of coal, and all that; I think Mr. Forrest, or some one else, can answer that question; but it seems to me that it is not the business of this commission to speculate; I don't always buy my coal early in the summer, because I have at times found it to be cheaper late in the fall; as a general rule, it may do pretty well; but I don't think it is the best policy always; he said that the presidents of the societies always interfered with the business here — at least very often did; well, that is nonsense; we were never in a majority in the committee; the committees consist of five members; there are only two of us; for the last year I have not been on any committee except the Ward's Island committee; Mr. Schach has not been on any committee, I think, except the Castle Garden committee, or finance; now, how two can disturb the proceedings of the board is something I cannot understand; I can say that the members of the board generally get along very nicely, and have had no difficulties or troubles at all.

Q. Turning our inquiries now in the head-money direction — what effect, if any, do you suppose the increase of head-money would have upon emigration to this port? A. I don't suppose it would have any effect upon it; I do suppose that the maintenance of this establishment would have an effect upon it.

Q. Beneficial? A. Yes, sir.

Q. Then you regard the advantages and facilities extended to the emigrants here as counterbalancing the effect, if any, which it would have upon steamships going to other ports with their immigrants, and landing them there? A. I beg your pardon, sir?

Q. I say that you regard the advantages and facilities afforded to the immigrants as counterbalancing any diversion on the part of steamship companies of immigrants to other parts? A. I do, decidedly.

Q. And that the port of New York, in short, is better known in Europe than any other, and that the emigrants there understand the facilities and advantages which they receive here, and are not to be diverted from it to any other port? A. That is my impression.

Q. I understood you, a while ago, that your society sent out circulars to Europe inviting emigrants here? A. Yes, sir.

Q. Will you produce one of those circulars, so as to give the committee an idea? A. There is one giving the reasons, and there is one with all the rules of the immigrants landing here.

[Witness produces a copy of the circular referred to, which is put in evidence and marked Exhibit No. 1, of August 16, 1875 — F. M. A.]

WITNESS — I would sell an average of 100 small bills of exchange a day, or pretty near that; from 30,000 to 35,000 bills a year; the practice was — I don't know whether they keep it up now — to inclose one of these circulars in every envelope; original packages of these or similar ones have been sent to Ireland and distributed throughout all the agencies of the Bank of Ireland for distribution through the country; and we suppose that the people who are here and who know about the Castle Garden establishment and the emigration people that they send letters to the old country; I was informed by Mr. Schack that they have in German some similar to these, and they also do a similar business in selling exchange and establishing savings banks and doing several things in that way, inducing emigrants to come to America by way of New York; that is a statement of the progress of the business from the start of that exchange business in 1870.

By Mr. ALVORD:

Q. Have you any documents you desire to have us take as part and parcel of our matters here? A. No; I think not.

Q. Were you induced, as one of the commission of emigration, to consent to a reduction of the head-money in 1871 in any other way than by an understanding upon your part that there would be a corresponding reduction of the cost of the transportation — of passage-money? A. I think it was used as an argument here by the board, that the amount that it was claimed that the state owed to the commission would be returned, and in addition to the then $350,000 or $400,000 we had on hand, it would enable us to go on for a time and see if the commission could be conducted at that rate.

Q. I ask you whether or not the occasion of your agreement or your consent to that reduction was or was not based upon the opinion or belief that they would reduce the cost of transportation or passage-money correspondingly? A. Yes, sir; it was chiefly that.

Q. Now I understand you to say that they have not done so? A. They did not do so at that time.

Q. But they have done so simply in exigencies since, in a fight among themselves, but they did not do that for some time after that, did they? A. No, sir; they did not for some time; they have an immense institution here, known as the North American Steam Traffic Conference, to which every line is a party, I believe, except the Bremen line, and that consents to the action of the others; but all the English lines are combined, and they have a fixed rate; when this combination exists, they charge high rates; but at times when the combination is broken by some act of some one of the parties to it, the rates fall to a reasonable amount.

Q. The rate fall by competition? A. Competition brings the rate

down to £3, and I think £3 would pay them well enough — $15; at present they charge $30, I suppose, or thereabouts.

Q As entirely separate from the advantages which are gained by the immigrant by the location and the administration of this particular bureau here — the commission of emigration—does passage control freight, or does freight control passage? A. I think each has an influence; one may have a controlling interest at one time, and another at another; I think the controlling interest with Boston is the freight business.

Q. Under ordinary circumstances, which has the controlling agency, the freight, the business of commercial importance of the port, or simply a desire for passengers? A. The carrying of steerage passengers — I believe that is the best answer I can give to it — when the immigrant business is lively, is the most profitable business a steamship can be engaged in; and when passengers are in large numbers from Europe, coming to America, then I suppose the steamship companies would run to accommodate the passengers.

Q. Without any particular reference to freight? A. Without any particular reference to freight; of course they would have that in view.

Q. Taking that answer into consideration, you think it is of importance to the people of the state of New York and the city of New York, that, to its utmost efficiency, this bureau should be kept up? A. I do; decidedly.

Q. That then the simple question of the cost of transportation of a passenger will be secondary to the advantages gained by the attraction of the emigrant and his furtherance to his destination, and all that sort of thing, under the rules and regulations of Castle Garden? A. Yes, sir.

Q. Then in reality, the question of head-money (unless it becomes entirely exorbitant) with reasonable bounds — has that any thing to do with the question? A. Nothing in the world, in my opinion.

Q. In addition to that, do you believe, or do you not believe, that this institution should be kept a self-supporting institution as against a possible burden upon the state to the extent of what you can carry the head-money, without undertaking to make it exorbitant? A. Yes, sir.

Q. You think that it should be self-supporting? A. I do

Q. Rather than a burden upon the state? A. I do, sir; I may be permitted, governor, to express an opinion here, if you will allow?

Q. Certainly? A. It was said here the other day, in my hearing, that this commission should consist of not more than three members, and that that board of three paid commissioners should have charge of the quarantine and the immigration also; one to look especially after the quar-

antine interest; another after the landing department, and the other, after the Ward's Island department; in my opinion, such a combination of duties and obligations upon three men would not be satisfactory to the people, and would not work well; I don't see what the quarantine commission has to do with the general matter of the care of immigrants; the health officer of the port can see the condition of vessels and the condition of immigrants upon their approaching to the port of New York, and pass upon it there, and that is the end of his duties; but when they come here to Castle Garden, I don't see what the health officer or quarantine commission — what right he ought to have in relation to the immigrants or their future course; and, as I said before, and as I said in my written statement, there, I agree with Mr. O'Gorman and the other gentlemen that this commission should be continued upon the same general plan as it has been continued now since 1847, and, in the main, it has worked admirably well.

Q. This commission is composed of six, who are appointed by the governor and senate, or elected by the legislature, and the mayor of New York, *ex officio*, and the heads of your two immigrant societies, also *ex officio*, making nine? A. Yes, sir.

Q. Don't you think you could reduce that safely, so as to make those who are appointed by the legislature, or by the governor and senate, a less number? A. I do not; I don't see what special advantage there would be in it; seven might do, or possibly five, if you will; but this board being somewhat in a representative capacity, the mayor of New York, looking after the interests of the city, and the Irish and German societies looking after their nationalities, and the other gentlemen looking after the interests of the state and the immigrant as well, the whole thing being combined and working in harmony, they, as general supervisors, with a competent and faithful superintendent who would be held responsible to them, could carry on the commission better; if they have subordinated to them an executive officer who is able and would do his duty well, it would be virtually a sort of one man power.

Q. What have you got to say in regard to the fact that you are very largely increasing in immigration from a source which is neither German or Irish, and that is the Scandinavian population of Norway and Sweden and Denmark, largely increasing and rapidly coming up to very nearly an equality with the other? A. I don't think that the statistics will show any thing of the kind.

Q. It is coming up rapidly, isn't it? A. I don't know; England is making headway faster than the others.

Q. Why should not the English society have a representative? A I don't see why they should not.

Q. The result of that representation is simply this, is it not, to

increase and enlarge your official strength here, in numbers, because you would not have, at any time, any other counterbalancing force in the various societies representing nationalities over the commission representing the state would you? A. No, sir; and I don't think such a thing would be possible, and it practically would not come around; the great sources from whence immigrants come is, we know, our Irish and Germans; these others don't amount to much; and even those who hail from England are very largely Irish.

Q. As a practical man—you have been in this country a great while, you have been at the head of a society which is entitled to a great deal of credit and confidence, and you are a gentleman of large and extended views — what is your idea of the future of immigration to this country, in regard to its volume? A. So long as business continues depressed on this side and good on the other side, as it is, immigration will be small; this state of affairs has existed now for more than three years.

Q. Are there any other elements that enter into that question which you have not as yet considered; how is it so far as regards the gradual absorption of our public lands in various ways so as to put them outside of the control of the immigrant, and consequently enlarged and enhanced in the price to the immigrant; what effect has that upon immigration; as for instance, we have, as a matter of course, surveyed and opened for occupation a certain given quantity of lands in this country that have been largely donated, in the past, to railroads, who hold them separate and apart and distinct from the government; the area, therefore, of available lands for the purpose of settlement by immigrants must, of necessity, have been, to a very large extent, circumscribed; what effect has that upon immigration?

A. Well, thus far, up to this time, I don't think it has a very great effect; the advance in price is not of sufficient importance; a man will pay annually in the old country, on an average, I think I may safely say, as much per acre for the use of land as he will here in the Western country pay for it forever; in England and Ireland the price of land averages from £2 to £2 10s. an acre.

Q. Yes; but he gets in return from his crops vastly more in proportion to the price he pays than the parties going on our western lands get from the result of their labor — that makes up the difference? A. Of course, the cheaper the land, the sooner it will attract immigration and settlers.

Q. You, in the main, think that immigration is governed by the status of labor? A. I do, sir.

Q. The status of the value of labor? A. Yes, sir.

Q. You think that the present comparatively fair prices of labor in

Europe and the depressed condition in this country must keep down immigration? A. I do, sir.

Q. What idea have you in regard to the future in reference to that? A. I have my own ideas; I think our tariff laws here are at the bottom of most of our troubles.

Q. Now you are coming in conflict with me? A. Very well; I cannot help it.

Mr. WAEHNER — Only so far as salt is concerned.

The WITNESS — I have reference especially to wool; that is my trade; that so long as the industries of the country are taxed and hampered and annoyed by adverse legislation, you cannot expect to have prosperous times, as they say.

Q. Then you think there has got to be a radical change in the policy of the government? A. I do, sir.

Q. Before there will be any change in the immigration? A. Before there will be any great change.

Q. And to supplement the whole of that, that immigration, so far as it is concerned, must take care of itself to the extent of the increase of head-money for the purpose of taking care of it to a point where it will not be oppressive? A. Yes, sir.

Q. Do you think that increasing the head-money to $2.50 would make any difference? A. I think $2.50 would be pretty high; it would make the steamship men, as Mr. Casserly said the other day, grumble a little more; but I think if the steamship men go on as they seem to have instituted this movement now against the commission to break up the commission, they will find they have killed the goose that laid the golden eggs, and the United States government will take it in hand, and instead of $1.50 they will have to pay $5 a head.

Q. Do you think there would be any sort of danger, outside of the constitutional question, that these gentlemen are undertaking to raise, would there be any danger in raising the commutation as high at least as $2.50, if the exigencies of this bureau required it? A. No, I do not say so; I did not say so in former years; it was raised to $2.50; we tried the experiment, and it was continued without limit until the legislature saw fit to change it; the immigration in these years was beyond an average though.

Q. Was it constantly increasing during that time? A. I think it was.

Q. And the reduction of immigration, notwithstanding the reduc- of head-money, is owing entirely to causes which are not controlled by that single incubus upon commerce? A. That is my opinion, sir; and, if you will allow me to say a single word, we are building no ships in America at present; in previous years a great number were built here; our manufacturing industries are very materially interfered with

at present; the mills are idle, about one-half of them; the only people who seem to be making money are the farmers, and I don't know that they are making very much; but these great manufacturing industries are depressed, and will continue depressed until the United States government relieves them of these laws that are now operating against them.

Q. We are not manufacturing? A. We are not manufacturing; and we have facilities for manufacturing.

Q. We are not ship-building? A. And we have the facilities for doing it.

Q. We are not building railroads? A. No.

Q. And we are not building canals? A. No, sir.

Q. We are not doing any great public works, or carrying on any great private or concentrated capitalist organization in the way of manufacturing? A. That is just it, sir.

Q. And that is the reason of the falling off of immigration to this or to any other port? A. In my opinion that is, sir.

By Mr. VOSBURGH:

Q. You stated, I believe, that you appeared before the assembly committee in 1874, for an increase of head-money? A. Yes, sir; I did.

Q. Did you make any argument before the committee? A. I did, sir; if you will be pleased to term it so.

Q. In that argument were the reasons that you stated for asking for an increase that you anticipated a large decrease in immigration; that there had been a large decrease for the term this present board had been in session, and that you anticipated a still further decrease in immigration? A. I am not sure; but the exact language is in the scrap-book here. [Refers to scrap-book.] No; I only ventured to say that I thought it was probable that in that year immigration would not be kept up.

Q. That was the force of the argument; that there would be a great decrease in immigration for the coming year; in consideration of the great decrease in immigration, and the anticipated decrease in immigration, did the commission, with this knowledge, make any effort to reduce the expenses and curtail the pay-rolls in 1874? A. I think they did.

Q. To any great extent? A. The books will show the precise number.

Q. Do you think that they reduced the expenses, and curtailed the pay-rolls sufficiently in consideration of the decrease in immigration? A. No, I don't think they did; I think the grand decrease was not made until the political complexion of the board changed.

Q. Well, under the administration of this commission? A. This commission has been changed.

Q. Since 1873? A. Yes, it was changed during January, 1874, by the election of Mr. Forrest, a democrat.

Q. Do you think the present force of employees adequate to carry on the business? A. I think for the moment it is, with this diminished immigration; I always, except this particular office — as I say, the present secretary does too much work.

Q. I mean the outside affairs — the outside force; the present force is adequate? A. Well, hardly; more facility should be rendered to the landing of immigrants and the permitting of their going right through.

Q. How much of an addition to the present force do you think would make it ample, both here and at Ward's Island? A. I should say that seven good clerks ought to be appointed here in addition to the gentlemen here now.

Q. In the office? A. In the office and down stairs; and that the board should run at their own expense the labor bureau.

Q. Seven clerks here and at Ward's Island? A. Here I speak of alone; at Ward's Island, I think, one or two; they want an additional man at the office, and they want an assistant, I think, at the store.

Q. Before we adjourned and took our recess here, I requested Mr. Jackson to make the committee a statement showing the pay-rolls for each month in Castle Garden and Ward's Island, the expenses and maintenance; the statement he makes shows that, in the month of June, this year, the pay-roll at Castle Garden is $1,000 less than it was for the month of May previous; and for Ward's Island $1,500 less than it was for the month of May previous; making a saving to the commission of $2,500 in the pay-rolls alone of Castle Garden and Ward's Island, or, in other words, $30,000 a year; and for the month of July the pay-roll is $300 less than it was in the month of June in Castle Garden, still showing a further reduction; now, if that reduction could have been carried on, or if it had taken 25 per cent *more* labor to have carried on the affairs of the commissioners here, and done it in a satisfactory manner, and been perfectly adequate, it would have made a large saving here to the commission in the year and a half? A. Yes, sir.

Q. Probably $40,000 or $50,000? A. The commissioners still were under the impression, all along, that immigration would start up and be more lively, and they wanted to keep on the force they had.

Q. I would like to ask you, as a business man, whether, in conducting your business affairs, if you saw, month after month, that your trade was decreasing, whether you would not decrease your ordinary expenses in comparison with the amount of business that you was

doing, after you had been running along for six months, and you saw it was a continual decrease? A. I have not done so; I keep on the force now that I had with me three years ago, and I was doing three times the amount of business, expecting better times, and preferring to keep my intelligent hands employed, even at a serious loss to myself.

Q. Probably in your kind of business you do not have such a great number of employees that they are in each others way? A. Well, not so many; but I have about my office about 10 persons.

By Mr. ALVORD:

Q. In other words you mean to say that you really could, taking into consideration the fact that you might continue to do no more than your present volume of business, do away with a part of your force? A. I could do with half of them.

Mr. VOSBURGH — Then it is the generosity of Mr. Lynch in keeping them employed, when he has nothing for them to do.

The WITNESS — It is kind of selfish; he wants, when the good time comes, to be always ready to take advantage of his neighbors, and have ample force to do the work.

By Mr. GEDNEY:

Q. Are the salaries paid now at Castle Garden and Ward's Island about what you think they should be, or are they too high or too low? A. I think they are rather too low.

Q. Why have you reduced them down to that low figure? A. Our straitened circumstances; we gave some of them the idea that if we are in a better position, we will compensate them better in time; they are living in hopes of doing better.

Q. You were obliged to do that or dismiss them? A. Yes, sir.

Q. If you dismissed them and immigration should start up rapidly, you would be short-handed? A. We should feel the want of them.

[Mr. Bernard Casserly here asked the permission of the committee to put some questions to the witness, Mr. Lynch. The committee denied the request, but gave Mr. Casserly permission to present written questions to the committee, which they could propound to the witness, should they deem it proper.]

The WITNESS — Mr. Casserly criticises my testimony, and I may be permitted a word of criticism as to his conduct; his conduct, as a witness, seemed to be very strange to me, as a layman of the world; I am not a lawyer; it was more of a lawyer's argument than any thing else.

By Mr. ALVORD:

Q. That puts me in mind of one question that is legitimate now,

was Mr. Casserly in the employ of this commission in 1872? A. He was.

Q. You employed him to go to Albany for the purpose of procuring from the legislature the passage of an act raising the head-money? A. That was my understanding.

Q. Did you have, either as an individual or as a member of this commission, in the commission proper, an intimation from Mr. Casserly that he was not performing the duty that you sent him for? A. I did not; but I heard the remark from Mr. Casserly on one occasion, that whenever he wanted a raise of the money, or the head-money continued at a high rate, he could have it done.

Q. I asked you, and I ask you again, the question whether you as a commissioner or as a member of the commission in the body sitting here, were informed officially by Mr. Casserly that he had gone to Albany but had declined to act in the manner in which you proposed? A. I can say almost positively that we had not such information from him; I have not any recollection of it.

Q. Did you ever, officially or individually, intimate to Mr. Casserly, or are you aware that any other of the commission, either officially or individually, intimated to Mr. Casserly, their desire that he should not prosecute the duty which was incumbent upon him, to go there and support the raising of the head-money? A. No, sir.

The committee then adjourned to August 17, 1875, at 10:30 A. M.

NEW YORK, *August* 17, 1875.

The committee met at Castle Garden, pursuant to adjournment, at 10:30 A. M.

Present — Hon. Jeremiah McGuire, Chairman; Messrs. Alvord Schuyler, Vosburgh, Gedney and Waehner.

Daniel Maujer, being duly sworn, testified as follows:

By Mr. WAEHNER:

Q. You are now a member of the commission of emigration? A. Yes, sir.

Q. You were appointed pursuant to the provisions of the act of 1873? A. Yes, sir.

Q. On what committees have you acted? A. On the finance — I think I have also been on the Castle Garden and Ward's Island, at times; not during the whole.

Q. Whilst upon the Ward's Island committee it was part of your

business, I suppose, to supervise and look over the bills for supplies furnished to Ward's Island? A. Yes, sir.

Q. Did you familiarize yourself with the quality of the articles that were furnished to Ward's Island? A. Yes, sir; somewhat.

Q. Will you state whether in your opinion the articles, as a general thing, furnished there were of a good quality and the prices charged reasonable; or, whether they were inferior and the prices unreasonable; whether you noticed any instance of goods being overcharged; if so, state it? A. I don't recollect of having noticed of any supplies being overcharged; occasionally there might have been a slight increase which, when the bill came before the finance committee, was made right.

Q. The error, if so, was corrected? A. The error, if any, was always corrected by the finance committee, and, in a few instances, if they were not what they represented to be were sent back.

Q. During the time since you have been a member of the commission, it has been alleged here before the committee that there were dissentions in the commission; state if that was so, and from what cause they arose? A. A difference of opinion has existed between the members; there have been instances; for instance, the article of coffee that was furnished at Ward's Island; it was thought by perhaps one of the members that a low price article that could be purchased for 18 or 20 cents a pound would be cheaper, while the other members of the committee thought that a pure and genuine article that was worth perhaps 30 or 35 cents a pound was cheaper; that a smaller quantity would answer; that, really, the value of the article was in the flavoring quality that it possessed.

By the CHAIRMAN:

Q. That would not produce any feeling of hostility in the board, would it? A. Yes; it would.

By Mr. WAEHNER:

Q. Was the feeling of hostility serious, growing out of that? A. Not very, sir.

Q. Were there any other causes beside those, which led to any disturbance in the board, so as to interfere with the harmonious working of the commission? A. No; I don't call to mind any particular thing.

Q. Was there any thing in the way of religious strife? A. Not any thing serious.

Q. Was there some trouble on Ward's Island in relation to some chapel there? A. There was; it was not clearly understood or defined whether that chapel, which was occupied by the Catholic per-

suasion, was to be exclusively for that sect, or whether the church would be considered free to all to worship in.

Q. That matter was finally settled by the passage of a resolution by your board? A. Yes, sir.

Q. And there that difficulty ended? A. Yes, sir; there it ended.

By the CHAIRMAN:

Q. Which party on the coffee question carried the day? A. The pure, genuine article, sir, carried the day.

Q. And even the 18-cent coffee would furnish grounds for a dispute? A. Yes, sir.

By Mr. WAEHNER:

Q. As a commissioner of emigration, you of course have examined the question as to what effect head-money has upon emigration, would the increase or the reduction of the head-money have any thing to do with the bringing of emigrants to this port? A. Not in the least, sir, in my opinion; in fact, I consider that this commission is the principal oar which the steamship companies rely upon, to induce emigrants to come to this country.

By Mr. GEDNEY:

Q. That is the great screw of the vessel? A. Yes, sir; the moment the masses in Europe — they know but very little about this country, except New York; their agent who is engaged in getting emigrants to come to this country, in their pamphlets and circulars, they set forth the great advantage which emigrants have by landing at the port of New York, the assistance and the advice, and the facilities which they have at Castle Garden, in case of sickness, that they are provided for by the commissioners; and it is a sort of tidal wave, that it is not in the power of the steamship companies to turn to any other port; emigrants, when they arrive here and are pleased and satisfied with the treatment which they receive here, they write to their friends; and our institution is as well known abroad, among the masses, as it is here.

By Mr. WAEHNER:

Q. During the time that you were commissioner, did you examine into the official force here; that is to say, as to the necessity of having a large official force, such as was here from 1873 until recently? A. Yes, sir.

Q. In you opinion, was the official force, since 1873 up to the 1st of July this year, too large? A. Well, I believe it was the general

opinion of the commissioners that a reduction could be made; an effort was made in that direction as early as June, 1873; the finance committee asked of the board for the privilege to submit a report reducing the number of employees, and revising the tariff of salaries which was paid; the report was submitted, and on motion of Mr. Stephenson, it was referred to the committee on Ward's Island, and of Castle Garden, for a report; the action of the finance committee was defeated; that is, so far as an immediate action was concerned; however, the new employees, a number of them, the salary was reduced.

By Mr. VOSBURGH:

Q. In what year was that? A. Eighteen hundred and seventy-three; soon after the organization of the present board; the old treasurer, Mr. Jackson, resigned; he received a salary of $4,000; Mr. Bergen was appointed at a salary of $3,000; I think there were other appointments also that were made about that time; at a reduced salary.

By Mr. WAEHNER.

Q. Do you think that these reductions made in your force were properly graduated with the demands of your business here; or was not there a superfluous number of officials kept on hand? A. Well, it was the desire of the commission to get rid of all superfluous help that we might have, but it took some little time to enable us to satisfy ourselves of really the number of superfluous help that we had, and when we found that we could get along without the services of any one, of any given number, they were dismissed.

Q. Can you say that, in your opinion, the reduction of the force as it was made, was consistent with the business interests of the commission? A. Entirely so, sir.

Q. And do you mean by that to be understood that the force could not have been reduced at an earlier day than it was with advantage to the commission? A. I do not think it could, sir.

By the CHAIRMAN:

Q. It has been stated here that if the head-money is increased, the tendency of that would be to drive emigrants to other ports; what is your judgment as to that? A. I do not think, sir, it can be possible; it is the case now that, occasionally, there is a sailer goes to Boston, they take a number of passengers, and they give them a free ticket to the States, generally to New York.

Q. And your judgment is, that the emigrants themselves control the place of destination, and not the steamship companies? A. Entirely so, sir; entirely so.

Q. When this board was organized in 1873, the most of you were inexperienced men in the commission? A. Yes, sir; the majority of the commissioners.

Q. Knew nothing of its practical workings; now, did not you — when I say you, I mean the board — did not the board, among its first acts, discharge its experienced employees, and place inexperienced men in their place? A. Not as a general thing; there may have been a few isolated cases.

Q. I am speaking of the men who had the principal charge of the executive departments? A. I don't know of but one case.

Q. It is the case of Mr. Casserly? A. Yes, sir.

Q. You knew that Mr. Casserly had been with this institution since its organization? A. Yes, sir.

Q. And was an important man, especially to inexperienced men? A. Yes, sir.

Q. Still, about one of your first acts was to get rid of Mr. Casserly and appoint Mr. Webster? A. That was done, sir, by a majority of the board.

Q. That is what I am speaking of? A. Yes, sir; by a majority of the board; I may state that I opposed it, and that I voted against it personally.

Q. I am speaking of the board? A. Yes, sir; a majority of the board did it.

Q. Mr. Casserly's case was not an exceptional one; other parties having important duties to perform were also discharged, and inexperienced men appointed, were they not? A. I cannot recall any one case; there may have been, but I cannot recall any one case.

Q. The position that Mr. Casserly then held was the most important one in the commission? A. Very important.

Q. Superintendent? A. Yes, sir.

Q. Can you give us any reason why the board, as a board, with their inexperience would discharge a man with the large experience of Mr. Casserly, and appoint a man with no more experience than Mr. Webster; the reasons which actuated the board you may give us? A. I don't know, sir, that I can really answer the question, only so far as this; that there was an impression that Mr. Casserly was in league with other employees who would take commission on the sale of tickets; I think there was an impression of the kind prevailing among a certain number of the board.

Q. And you think that was the reason that actuated the board in desiring a change? A. I think so, sir.

Q. No means were taken by the board to ascertain the truth or falsity of that, I suppose? A. None whatever, that I know of.

Q. And can you state whether that was communicated to Mr. Casserly so as to give him an opportunity to explain? A. I cannot, sir.

By Mr. SCHUYLER:

Q. Are those the only reasons? A. Those, as far as I know, sir.

By the CHAIRMAN:

Q. You say that in June, that is soon after your organization, a report was submitted by the finance committee for the reduction of employees, and the gradation of salaries? A. Yes, sir.

Q. And that was practically defeated on motion of Mr. Stephenson, by reference to these committees that you have named? A. Yes, sir.

Q. Was there any effort made in the board afterward to require reports from these respective committees, to which the finance committee was referred? A. There were; but no report was ever made.

Q. Did any of these changes to which you have referred, soon after the organization of the board, of removing old employees and appointing new ones, have any reference to the political status of the employees? A. I think not, sir.

Q. Your opinion is that the board did not take the political status of the employees into consideration? A. No, sir.

Q. They certainly could not have taken his fitness, for he had great experience; then what considerations were they actuated by in the appointment? A. There is no doubt in the interests of the commission it was necessary to make some removals independently entirely of party questions; there had been some evils that crept in the commission that it was necessary to remedy.

Q. Evils of the character that you have mentioned — improper dealings with emigrants? A. Yes, sir.

By Mr. ALVORD:

Q. At the time of the removal of Mr. Casserly, or at the time that a request was given to him to resign, was it or was it not understood — so far as any official information came to the commission that he was a republican? A. It was alleged that Mr. Casserly was a republican.

Q. Alleged by one of the commissioners? A. I think so; by one or more of the commissioners.

Q. It was alleged by one or more of the commissioners who supported him that being a republican he should not be ousted for the purpose of putting Mr. Webster in his place on account of his political position, was it not? A. I think so.

Q. Do you recollect which one of the commissioners vouched for and indorsed his republicanism? A. I could not state, sir.

Q. Who voted to retain Mr. Casserly, as against Mr. Webster? A. I voted, for one, sir.

Q. Who else? A. I don't recollect.

Q. Do you recollect whether a gentleman by the name of Starr voted for him? A. No, sir; I cannot recollect, sir.

Q. And you cannot recollect who it was who vouched for his republicanism? A. No; I could not.

Q. Thinking that it possibly might be that that was the question in reference to the appointment of a successor? A. I cannot recall it to mind, sir, at present.

Q. What were your political proclivities at that time? A. I was a republican, sir, always a republican.

Q. And you voted to retain Mr. Casserly? A. Yes, sir.

By Mr. SCHUYLER:

Q. Do you remember how many voted to retain him? A. No, I don't recollect, sir; I presume our minutes would state.

By Mr. ALVORD:

Q. Were you a member of the finance committee at this time that you speak of? A. Yes, sir.

Q. Were you chairman? A. I was chairman; yes, sir; have been from the organization of the present board.

Q. I understand from what the speaker said to you that the question of the reduction of salaries, or of the graduating of salaries, was submitted by the general board to your committee? A. The committee called the attention of the board to it, sir — the finance committee.

The finance committee called the attention of the board to it, and, after having called the attention of the board to it, do I understand you that the board, in the action which they took, referred it back again to certain committees? A. Yes; on motion of Mr. Stephenson, I think, the subject-matter was referred to the various committees.

By the CHAIRMAN:

Q. To the Ward's Island committee, and the Castle Garden? A. Yes, sir.

By Mr. ALVORD:

Q. Taking it out of the province of the finance committee? A. Yes, sir.

Q. Did the finance committee, in any future effort, endeavor to bring the question before the board, or to urge the action of the committees? A. The matter has been up several times since, before the board.

Q. When were you first appointed? A. At the organization of the present board.

Q. In 1873? A. In 1873; yes, sir.

Q. You were not before that time connected with it? A. Not with the commissioners of emigration; no, sir.

A. And you were not at all aware of any of the circumstances which attended the reduction of the head-money in 1871? A. None whatever.

Q. Except by common report? A. Common report.

Q. You have been a member of this commission, then, since 1873? A. Yes, sir.

Q. You were not a member of the commission, as I understand you, at the time that Mr. Bernard Casserly was sent up to Albany with instructions upon the part of the board to advocate the increase of head-money in 1872? A. I was not.

Q. At what time did Mr. Casserly cease to have any connection with the board — after you became a member? A. I think in May or June, 1873, sir.

Q. Since that time has — from whatever causes it may be — immigration shrunk in volume? A. Very much so.

Q. Is that shrinkage, so far as it regards your observation, larger in proportion at this point than any other? A. I don't think it is, sir, in percentage.

Q. Has that been owing to extraneous causes entirely outside of the simple question of head-money? A. Entirely so, sir, in my opinion.

Q. Where, in your opinion, taking into consideration the manner in which emigrants are treated, is the point which emigrants seek in coming from Europe here? A. I think that has most all to do with it — the treatment that they receive.

Q. Where is the point on this continent that they seek? A. I don't know that I understand you.

Q. Is it New York, Boston, Philadelphia or Baltimore, or where? A. They don't receive the same guaranty and the same assistance anywhere else in the United States but in New York.

By the CHAIRMAN:

Q. The governor's question was whether the emigrants naturally seek this port in view of the treatment they receive here?

The WITNESS — That is the case.

By Mr. ALVORD:

Q. How is that brought about? A. It is brought about through the dissemination of information which they have through these

agents who are seeking parties to emigrate; they furnish them with pamphlets and circulars, and every information.

Q. You have been in the habit, since you have been here, as I understood, in private conversation with you — you came here at a very early date, and you have been in the habit of returning to Europe to the place of your nativity, and generally travel in Europe, quite frequently since that time? A. Yes, sir.

Q. You have had occasion, from your desire for information in regard to this matter, to go into and examine this question of emmigration, in its various ramifications, when in Europe? A. Yes, sir.

Q. Now, we have had this general information, that a very large amount of the information, which is gotten by the emigrants, in reference to the facilities for protection and care here, has been gotten through emigrants writing back to their associates in Europe? A. That is the case.

Q. Now, I understand you to say that you have found in the various agencies of the various steamship companies, in their pamphlets and in their circulars, a recitation of the advantages of landing in New York; and they make that as one of their advertising inducements, do they? A. Yes, sir.

Q. All over the country, so far as you have been enabled to see? A. Yes, sir.

Q. Now, in connection with that, what do you think that the question of head-money, within a reasonable amount of charge, has to do with the question of passage, of landing in this country? A. I don't think that, really, it has any thing to do with it; nothing whatever.

Q. Then, to put it in plain terms, do you think that the increase of head-money from $1.50 to $2.50 would divert any appreciable amount of emigration from the port of New York? A. I don't think it would affect one single emigrant, sir.

Q. That is very broad, and I am very glad that you answered the question so plainly? A. I don't think it would, sir.

Q. In that connection, I desire to ask you this simple proposition has, in the first place, owing to the decrease of the head-money from $2.50 to $1.50, has there been any corresponding decrease, on that account, in the cost of transportation of emigrants to this country? A. I don't think that there has been any.

Q. Is that an element in the decrease of the cost? A. It is not, sir.

Q. It has been no element of the cost? A. No, sir.

Q. I want to ask you, in connection therewith, this proposition; do you think it would be for the interest of the people of the city and the state of New York to submit to personal taxation, rather than to increase the head-money for the purpose of getting the volume of

emigration to this point, or should it be a self-sustaining institution? A. In my opinion I think it should be a self-sustaining institution.

Q. Right here I desire to ask you whether you think that the volume of emigration to the port of New York would or would not be affected by the increase of head-money from $1.50 to $2.50? A. Not in the least, sir.

Q. I will ask you another question which has not been asked by any one, and has not been answered by any one; take the present cost of emigration — passage-money — do you not believe that that price is very largely beyond the actual cost to the steamship companies; in other words, could they not do it, and still do a good business, at very largely a less figure? A. In my opinion the profits which the steamship companies make on steerage passengers is very much larger than any other trade which they have, either cabin passengers or freight.

Q. Then you give that as the reason why, if they have got an advantageous freight at Boston, they can afford to pay the expenses of the transmission of passengers who desire to arrive at New York, charging simply the same price, landing them at Boston in the first place, and sending them here by rail, than they would by landing them in New York? A. Yes, sir.

Q. And can make money by the operation? A. Can make money by the operation.

Q. Then I understand you to say that where they have a freight which is advantageous to them, to deliver at a certain fixed point, they can afford to take emigrants to deliver at a certain other point, and pay the difference in the cost of transportation after they arrive in this country, rather than compel emigrants to go to any of these other points against their wishes and desire? A. Yes, sir.

Q. What is your view in regard to the administration of affairs at Castle Garden; do you or do you not believe, that a greater economy can be exerted than has been in the past, in reference to the executive of this department? A. Judging, sir, from a business standpoint, I do not see how the business of this commission could be done, and could have been done with more care, with more prudence, in the interest of the trust committed to the commissioners; I form an opinion from an experience of some twenty-five years with some of our first moneyed institutions, and having had considerable experience also in our municipal affairs; I have never seen business conducted in a more business-like manner than I have seen in this commission; I am not aware of a dollar ever having been wasted since this commission has been organized.

Q. Then you think, as the final conclusion and result, that the raising of the head-money to a point that will take care of and complete the expenses of this institution, conducted as they

have been, is more desirable than it is to undertake to curtail the operations of the commission, or to undertake to fasten upon the state any tax growing out of its administration? A. Decidedly so, sir; and, in my opinion, if the steamship companies would look at the question, at the business that they are engaged in, in its practical light, they would harmonize with the commission; and, instead of going to Albany, and spending a mint of money to oppose the increase of head-money to an amount sufficient to defray the expenses of this commission, it would be very much to their interest, and it is really an effort to cripple this commission; it is killing the goose that lays the golden egg; without this commission they never would have done any thing like the business they have done, or made the money which they have; and their future prospect lies largely in the continuation of this commission, properly administered.

Q. Right in that connection, let me ask you another question; does the question of emigration to this country depend upon the cost and expenses of transportation from Europe here, including both their passage and, consequently, (as an incident and a part, element of that) the head-money; or, does it depend upon the business status of the country? A. The cheapness of the passage, no doubt, would influence some to emigrate that would not if the expense was large; but it largely depends upon the news which they receive from their friends on this side.

Q. It depends upon the status of the manufacturing and industrial interests of this country? A. Largely, sir; if we had not had the panic of '73, the emigration would have doubled, and perhaps tripled, what it has been.

Q. Then you attribute the present falling off in immigration to the present monetary status and industrial status of the country? A. Entirely so, sir.

Q. And nothing whatever to do with the question of the cost of immigration? A. Not at all, sir.

Q. In reference to the compensation of the commission itself; you are now six gentlemen who were elected or appointed; three who hold their office *ex officio*, as it is termed; what do you say in regard to the concentration of the powers of the commission in fewer hands, and consequent concentration of responsibility; in other words, do you think that a commission less in number would or would not be more effective? A. I do not think it would be more effective; a smaller number would probably attend to all the wants; I think it would be very difficult, sir, to better the present commission.

Q. In other words, you think that a less number would not be of any practical benefit, except by an increase of duties to be performed by a lesser number as compared with a greater? A. That is it, sir.

Q. You gentlemen all act from benevolent or honorable motives without apparent pay? A. No pay whatever, sir.

Q. Well, I say apparent pay; do you or do you not believe that this commission could be carried on by a smaller number, under a fair and an entirely remunerative compensation, more effectively than it is by those who conduct it? A. Judging, sir, from paid commissions in New York and Brooklyn, I do not think it could.

Q. I am not asking about New York and Brooklyn? A. Well, the state.

Q. I am asking about a fair statement of the case; do you not believe that if you were paid a sufficient compensation to devote your entire time to the administration of the affairs of Castle Garden and Ward's Island, with an honest intention to do your duty, that you would be compelled to do better service to the community than you are, or conceive yourself to be under your present position as an honorary member? A. I don't think, sir, I would do one iota more than I do now.

Q. You are a man of large business, are you not? A. No, sir; I am out of business, except public business.

Q. Are you not then an exception to the general rule? A. I may be somewhat.

Q. Take the average man of the community, a man who has a high and honorable position and a high and honorable character, and who has a large and extended business of his own as well as the business of the public; do you believe that he would be so efficient in the management, the control, of an institution of this kind as the same man with the same ideas of honor and the same ideas of the necessity of performing his duty, who devoted his whole time and attention to it and who was paid therefor? A. Well, in one case it would be a matter of honor; if a man of high honor and integrity volunteers to do a certain thing he will do it whether he receives any pay for it or not.

Q. That is not exactly an answer to the question; I say the same man with the same ideas of honesty and integrity and prudence, and all that sort of thing; in one case he is, like you, simply engaged in public business; in the other case he is immersed in his own private business; in one case he is taken from his private business and paid a salary which is commensurate with what he could gain within that private business, as the executive of a department like this; in the other case, in connection with his private business he is given this public business to perform; in which case would he be most efficient? A. I don't know that I could answer that question, sir.

Q. In other words, you desire to be understood, I suppose, to answer that there are in the community sufficient high-minded, high-toned gentlemen who have got certain benevolent ideas and views, and are so

far retired from business that they can be found to administer these affairs without any compensation therefor? A. Precisely.

Q. Now, in regard to the *personnel* of the administration of the affairs of Castle Garden and Ward's Island, or generally of the commission, is it your view that it would be economical to discharge largely experienced men in consequence of a depression in emigration, waiting for an increase,, or to continue them, anticipating and expecting, in the ordinary course of things, that an increase would come? A. My opinion is, sir, that no very sudden or arbitrary change should be made; that there are employees that it would be very difficult to replace; and it is only when there is a stern necessity for the discharge of employees that the board should act; we have been put in that position, having had to discharge employees that, really, in the interest of the commission, ought to have been retained.

Q. You have had to do it from mere monetary considerations? A Entirely so, sir; those that we have retained are over-worked and poorly paid — do not receive a proper compensation for the services which they render.

Q. Now, I want to ask you one other question, which is a sort of a hypothetical question; do you believe that if the head-money had been retained from '71 up to this time that it would have engendered a large expenditure beyond an economical administration of this commission, or would it have eventuated in the commission being now entirely free from incumbrance and debt, owing to a fair and economical administration of the affairs of the commission? I predicate this question upon this simple proposition: that you was, in 1871, some $320,000 ahead; that you are now $250,000 behind, which makes a difference in round numbers of about $600,000; if your head-money had continued at $2.50 you would have been in the receipt of a little less than a million dollars; so that to say, with the same administration that you have had up to this time —

By the CHAIRMAN:

Q. Assuming the emigration to be the same

By Mr. ALVORD:

Q. Take the immigration, just as it has been, up to to-day; if $2.50 head-money had been received, and this same administration had been no more expensive than it has been, you would have been in the receipt, to-day, of a surplus of between $350,000 and $400,000; now. do you believe, if your head-money had been retained at $2.50, that you would have been as economical as you have been, until within a very short time in the past; do you believe that the large amount of

money, which you received from head-money, would have caused you to be lax in your expenditure, or not? A. Well, it ought not to.

Q. Do you believe that the business tact and talent, which was in the commission when it came in, would have retained, within decent bounds, your expenditures? A. I think it would.

Q. And if the head-money had been retained, instead of being in debt to-day, you would have been above, and had money in bank? A. I have no doubt we would.

Q. Do you believe that the immigrant, who has arrived in this country from 1871, up to this time, has been benefited one dime by the decrease of the head-money? A. Not in the least.

Q. Do you believe that the volume of immigration to the port of New York would have been decreased at all, or perceptibly? A. I do not, sir,

Q. That the commerce of the city of New York would have been injured? A. Not in the least, sir.

Q. Or the interests of the people of the state of New York been injured? A. Not in the least.

By Mr. VOSBURGH:

Q. In April, 1874, there was a dead-lock in the commission, was there not; what was known at that time as a dead-lock? A. Well, if I recollect correctly, there was, sometime in '74, a sort of a dead-lock for a few weeks.

Q. What was the cause of that dead lock; can you explain to the committee? A. If I recollect correctly, sir, the board, by unanimous vote, agreed to abolish several offices, among them the offices of superintendent and assistant superintendent.

Q. Mr. Webster? A. Yes, sir; and employees holding minor positions, if I recollect right, some 25 or 30; that the board supposed we could get along without them; and afterward there was an effort made on the part of some one to reconsider that action of the board and to reinstate Mr. Webster and other parties, and the board failed to have a quorum for a few meetings.

Q. What was the cause of that failure? A. I am not able to say.

Q. Perhaps the principal cause of that failure was the opposition to the reinstatement of Mr. Webster? A. I think likely.

Q. Well, you know that to be a fact, don't you? A. I cannot say that I know that to be a fact; I have my opinion about it.

Q. Haven't you and some of the other commissioners conversed in relation to that matter? A. We may have had a conversation about it at the time, sir.

Q. Did you enter into any agreement with any of the other commis-

sioners not to attend meetings — that you were to stay away from meetings? A. I think not, sir.

Q. It was not an understood fact? A. Oh, no; it was understood that those parties were not to be reinstated.

Q. And for that reason those parties who were opposed to Mr. Webster being reinstated remained away from meetings? A. That may have been the case; I don't know; some may have been out of town.

Q. I see, by the reports of the papers at that time, that the commission was divided in that matter, and there were certain political influences brought to bear upon the different commissioners; Mr. Thomas Murphy's name is mentioned as a great friend of Mr. Webster, to have him reinstated? A. I don't recollect.

Q. He was reinstated on the first of June, wasn't he? A. Mr. Webster?

Q. Yes. A. No, sir.

Q. Was he not reinstated at all? A. No, sir; not by the board.

Q. Didn't he occupy any position in the board after he was displaced? A. No, sir.

Q. That matter was never reconsidered, then? A. Never reconsidered; the office was abolished and has never been revived since.

By Mr. GEDNEY:

Q. I see from that report, as chairman of the finance committee, January 19, '75, that you refer to "receipt from alien at $1.50;" and "two aliens at $2.50;" what constitutes the difference between one and another?

Mr. JACKSON — Those are parties who are incorrectly reported on the manifest; they arrived here before the head-money was reduced, and the affidavits were taken, and the money was collected.

By Mr. GEDNEY:

Q. Another matter: "for unloading gas coal;" was that labor furnished from the island, to help unload coal from the vessels; it is certain, receipts in the treasurer's report, one item "from coal company, for unloading gas coal, $45? A. I could not answer that question without looking at the vouchers.

Q. And then, further on, "from superintendent of Ward's Island for sale of refuse material, ferriage and sundries, $2,542.29;" what constitutes the bulk of those receipts"? A. I could not give you the items, sir, without looking at the bill of particulars.

Q You keep pigs on the island, I believe? A. We do, sir; yes, sir.

Q. You don't use for the emigrants there, all the meat derived from the killing of those pigs? A. No.

Q. You sell them? A. Yes, sir.

Q. What makes me ask these questions, I heard lately from the island that they have raised the pigs and sold them, and the money has not been accounted for; I see here it is? A. Every dollar has been accounted for.

Bernard Casserly, being recalled, was examined as follows:

By the CHAIRMAN:

Q. You desire to make some statement? A. It was in reference to the statement made by Mr. Maujer; you asked him what was the reason of my dismissal; he said that it was that statements were made that I, in collusion with other employees, had been receiving commissions; that is the first time that I heard that such a statement was made, or such a reason given for my removal — because it was tantamount to a removal; the only reason ever given to me, as far as I could understand, was that the custom-house demanded that place for Mr. Webster, and that I, as a democrat, should leave; and, as far as Mr. Maujer is concerned, if he believed those charges to be true, and voted for me, I say he is unfit to be a commissioner of emigration — if he believed one iota of those charges.

The CHAIRMAN — He didn't say that he did.

The WITNESS — But he makes that assertion.

The CHAIRMAN — Oh, you misunderstood Mr. Maujer.

The WITNESS — What right has he to make such a statement as that here?

Mr. WAEHNER — You are arguing the case, Mr. Casserly, now.

The WITNESS — Perhaps I am.

The CHAIRMAN — Mr. Maujer very cautiously stated the only reason he heard was these practices to which he had alluded; the fact that Mr. Maujer voted for you is a sufficient refutation of the charge, as far as he is concerned.

The WITNESS — Of course; I understand that; now I want to show you from the minutes of the board, and every man that voted for that resolution, I say it in reference to him, that he is unfit to hold any position — that voted for this resolution that I read to you.

The CHAIRMAN — You mistake the animus, the purpose and the intent of Mr. Maujer.

The WITNESS — Perhaps I do, Mr. Speaker, but —

The CHAIRMAN — Mr. Maujer gives no indorsement whatever for that charge, and his whole conduct in the board was the best vindication of you from those charges.

The WITNESS — These gentlemen themselves have undoubtedly put that information afloat now in this office, for the purpose of assigning some reason other than the true one, for my removal.

Mr. ALVORD — I think your answer to my question the other day, Mr. Casserly, was all there is in that matter; that is, that these complimentary resolutions were simply to let you down easy.

The WITNESS — I will read these resolutions, if you please:

"*Resolved*, That in parting with Mr. Bernard Casserly, the late superintendent, the commissioners of emigration deem it proper to recognize his thorough familiarity with the subject of emigration, and desire to express their appreciation of his high record for ability and fidelity in the discharge of his various duties in the department throughout a continuous service of twenty-six years, during twenty-two of which he was the secretary of the board, and for the last thirteen years its executive officer.

"*Resolved*, That the thanks of the board be hereby tendered Mr. Casserly for his uniform courtesy and attention during the brief term of his official intercourse with the present board, and that our best wishes for his success accompany him."

The CHAIRMAN—To be serious about this thing, Mr. Casserly, I don't know what the opinion of the other members of the committee is, but I do know what my own is; I was a member of the legislature when this commission was created; I do know the custom-house run the legislature that winter.

The WITNESS — Why, it was just as patent as that the sun is shining now.

The CHAIRMAN — I was there and saw who were the men that run it; and I have an opinion which I think is correct, that this commission was organized in the interest of the custom-house at that time.

The WITNESS — No question about it, sir.

The CHAIRMAN — And the further fact is, that your removal was dictated by that interest, I suppose.

The WITNESS — After the removal was affected I came into the room, not feeling any way dissatisfied (I thought it was a political board, and they had a right to act as they did act because it was a political board), the president said to me: "Mr. Casserly, I am sorry for having had to vote as I did, but," says he, "the time will come when this party will go out of office, and you will be restored."

By Mr. WAEHNER:

Q. In this connection; Mr. Maujer, in his evidence stated that you were regarded as a republican at that time; were you a republican at that time, or a democrat? A. A democrat.

By Mr. ALVORD:

Q. How many of the gentlemen voted to retain you? A. I understood from Mr. Starr when he came outside — he requested me to give

in my resignation — says he, "there is no use, I am the only friend you have there."

Q. What would the fact show, so far as the record shows it? A. I didn't know up to this time that Mr. Maujer stated that he voted for me.

Q. That was in the testimony yesterday that Mr. Maujer and Mr. Starr voted for you? A. I did not hear that; I was not here then.

Q. And it is also proved that they are both republicans? A. They are.

Q. I understood also from the testimony yesterday that Mr. Starr insisted upon it that you was a republican, and that that was one of the reasons why he voted for you; were you aware of that fact? A. That was probably out of personal reasons.

Q. No personal reasons; he stated distinctly the fact that, as I understood it, you was a republican? A. He ought to have said this, that I have voted for republican candidates.

Q. Mr. Lynch stated that in so many words; that, in the board, Mr. Starr insisted upon the fact that Mr. Bernard Casserly was a republican and as good a republican as there was in the city, and that was one reason why he voted for him? A. That is not true.

Q. Mr. Maujer also states that he understood from conversation — that he heard in regard to it that it was not a question of politics; that Mr. Casserly was a republican as well as Mr. Webster, and that he and Mr. Starr were the two gentlemen who voted for Mr. Casserly in that board.

A. The committee of 1872 elicited information that I had contributed to the success of the democratic party here in the city of New York, pecuniarily; and that was one of their reasons for reporting that it was a political board; Mr. Maujer's voting for me was in this wise: Mr. James Murphy, the iron founder, who is a personal friend of mine, knowing my family for from 35 to 40 years, sent for me after this board came in; "Now," said he, "I want to help you;" said I, "I don't intend to do any thing about it, Mr. Murphy;" says he, "Mr. Maujer is on the ferry with me; we are close friends; and, I think I can help you with him;" I said, "If you choose to do so, I will consider it a favor;" he called on me again, and said he had seen Mr. Maujer, and Mr. Maujer was opposed to Webster, because S. B. Dutcher, of Brooklyn, who was Mr. Maujer's political friend and adviser, was fighting Webster; "and," says he, "you will get Mr. Maujer's support in that way, I think, although the custom house may be too strong;" Mr. Starr's support of me was voluntarily; he has known me for 25 or 30 years; he was steward of the Marine Hospital in 1848, when I was clerk of the board; and he came to me and asked

what I was doing to keep myself in; I told him I was doing nothing; he said, "I want you to do something; I want you to stay; I don't want this man Webster to get your place;" said he, "You belonged to the barn-burner party in 1847, didn't you?" I said, "I did, so far as sympathizing with it, but I had no vote — 1848 I mean;" said he, "and you affiliated with the republicans at times;" said I, "Yes; when Sumner was struck in the house by Brooks, I did sympathize with the movement, and denounced that outrage on free speech; and I afterward voted for President Lincoln; but I saw that party was so corrupt, that I was put in the position of being charged with being a copper-head, and interfering with the enlistments here at Castle Garden; and they went so far as to threaten that, if I didn't take my hands off preventing people from enlisting — simply because I would not allow them to be sold like cattle and sheep — because I was interfering with that, that they would try to have me punished; and, finally, the commissioners of emigration said to me, "You better not interfere in this matter;" I said, "I am only doing it to protect the emigrants;" "Well, be careful about it, be cautious about it, because there is a terribly bitter feeling existing at present; no man is safe who does not belong to the Union League Club, or won't go shouting through the streets that he is a republican, and denouncing everybody that don't believe in its doctrines;" now, out of that has been fabricated this whole thing that I was a republican; why, I was turned out, as Mr. Hurlbut gave me to understand after the board had acted, because I was a democrat; and it was known to five out of every ten men in the city of New York who were in any way associated with politics, that Mr. Webster got that place because he was a republican.

By Mr. VOSBURGH:

Q. He had formerly been United States collector? A. Deputy in the Thirty-first district.

By Mr. ALVORD:

Q. Then the only two votes that you received according to the statement made yesterday by Mr. Lynch, and the statement to-day by Mr. Maujer—and he don't recollect any other than his own vote—the only two votes you received were two republican votes? A. If you will allow me to make a little explanation further than that; Mr. Hurlbut was influenced by the custom-house; Mr. Stephenson was influenced by the custom-house and by his own natural dislike to any one having an Irish name or being supposed to be a Catholic; Mr. Forrest opposed me because, as he said, I treated him discourteously; I had not spoken to him for two months while the old board was in; and I did not speak to him while I was in office under the present board, and I have

never spoken to him since and I don't want to; that accounts for him, George Quintard either had business in Charleston, or left after promising to vote for me; but I think he was influenced by Mr. Forrest, they being particular friends.

Q. Were Quintard and Forrest the only democratic representatives? A. They are what I call half-and-half democrants."

Q. Were they the only two that pretended to be democrats? A. Yes, sir.

Q. Neither of them voted for you? A. Neither of them voted for me, and those were the reasons; and then, I think, there were promises made to Dix, when the appointments were made; Mr. Manjer made an answer to a question you put to him, governor, and that was: after they came in they commenced and tried to economize, and I think — I don't know whether you understood the answer — to give you the idea that they had reduced salaries and reduced the force; now, I will say, so far from that being correct — and he probably misunderstood your question, or forgot — this board came in on the 1st of May, 1873, and it remained in office seven months of that year, its predecessors being in office five months of the year; the pay-rolls, under the former board, for the first five months of the year —

By the CHAIRMAN:

Q. If they come in on the first of May, it would be only four months? A. It was the 1st of June; the pay-rolls under the old board, that is for five months, averaged $11,000, and one or two hundred dollars a month; the pay-rolls under the present board, for seven months, average $11,300 a month, and they would have been a great deal larger than that but for the law which fixes the salaries of the agents at Albany, Utica, Rochester, Dunkirk and Suspension Bridge at $300 a year; while under the old board, they having the right to fix the salaries of the agents themselves, they ranged at about $1,000 a year each; now, but for that the pay-rolls of the present board would have been probably $11,500 a month as against $11,200 a month with the previous board; and yet that board was turned out principally on the ground of its alleged extravagance in salaries.

By Mr. GEDNEY:

Q. When was the law fixed not to exceed $300? A. In 1873, in the bill creating this board.

Q. Why do you think, if it had not been for the law, they would have exceeded $300? A. Because they would have continued paying the old rates.

Q. You assume they would? A. Well, I have got a right to assume that, because they did not economize at all, but rather increased the

pay-rolls as against the former board until they were forced by public opinion, and by their bankrupt condition in March, 1874, to reduce the pay-rolls $20,000 a year, and that was the meeting at which three gentlemen left the room in order to prevent a quorum carrying out that economy, and those three gentlemen were Commissioner Lynch, Commissioner Kauffman and Commissioner Forrest; it was only after the legislature had refused, or was about refusing — they wanted tc manufacture a little public opinion up in the legislature — refused to increase the head-money, and they were utterly and entirely bankrupt, and they so represented it to the legislature.

By Mr. WAEHNER:

Q. Were Mr. Kauffman, Mr. Lynch and Mr. Forrest interested in the appointments of any of the employees who were sought to be discharged at that time? A. Yes, sir; they were in this way, because all of these employees, I think, almost without exception, who were on this list for removal, were the old experienced employees; and these three gentlemen said: "You must not do this; if you want to reduce the pay-roll discharge your own appointees, but do not turn out these men, we won't consent to it;" and, for the purpose of preventing it, they tried to break up the quorum, and they did.

Q. That was perfectly laudable? A. But still it shows the harmony that existed in the board.

By the CHAIRMAN:

Q. These three gentlemen that you speak of, wanted to retain the experienced persons? A. Yes, sir.

Q. And if any dismissals were to be had, it should be the inexperienced ones? A. Yes, sir.

Q. That is to their credit, it seems to me, rather than to their discredit? A. I don't say it is to their discredit; I am just showing you how the majority of the board was economizing; they first turned out between the 1st of June, and the 1st of January, nearly 50 per cent of their old employees, and filled their places with politicians; I do not believe that out of the number they put in, were more than two who were not put in for political motives; they had to keep on turning those men out because of their incapacity, and because they brought discredit on the institution.

The CHAIRMAN — It occurs to me as strange that an inexperienced board should turn out experienced men, and put in inexperienced men as inexperienced as themselves.

The WITNESS — That is what they did do; and the old board which was called a Tammany ring board, and was alleged to be controlled entirely by political influences, only turned out in the space of nearly

two years, 12 per cent; changed 12 per cent of the employees; and this board in the space of seven months, changed at the Castle Garden nearly 50 per cent; why, it was patent to everybody around this institution, that men were appointed simply because they were recommended by ward politicians and ward districts; what was Mr. Biglin made the baggage express agent for; simply because he was a politician.

By Mr. WAEHNER:

Q. In connection with that matter I have heard rumors that during the time that Mr. Biglin had that contract, there were assessments levied on the subordinates or clerks connected with this department, to aid Mr. Biglin in his election to the legislature; have you heard of any such rumor, and have you any knowledge upon the subject that you can communicate to the committee? A. Yes, sir.

Q. Now give us your knowledge, and then, after that, we will take the rumor? A. There is nothing of my own knowledge, except what I was told.

Q. Give us, then, hearsay evidence? A. On the day on which the clerks in Castle Garden were paid their salaries for the month of October, 1874 —

By Mr. VOSBURGH:

Q. Last year? A. Yes, sir; a Mr. Smith, who was formerly connected with the office here, Walter H. Smith, stood inside of the treasurer's door, and, as the clerks got their money, he asked them for a contribution to help the election of Mr. Biglin, and he said he had his authority to do so from Mr. Stephenson; and the greater number of the clerks did contribute.

By Mr. WAEHNER:

Q. Can you give us the names of any of the clerks that did contribute? A. Well, I think you will find that almost every one of them — I don't know — I was told at the time, "Well, we all contributed, because if we didn't we would lose our places."

Q. Was Walter H. Smith at that time connected with the commission of emigration in any capacity? A. He was a clerk, I think, assisting Mr. Jackson.

Q. You cannot give us the names of any of the clerks who contributed? A. No; I cannot; but I was told at the time that almost all of them did.

Q. Have you been informed what the percentage was that was levied or assessed upon the clerks in that way? A. That I did not hear; they were asked to give according to their means and their ability to

give; that Mr. Biglin was very poor, and that he was going to help the commission to get the head-money increased that year.

Q. Do you know whether these facts were at any time brought to the attention of the commissioners? A. Yes, sir; I think they were.

Q. Did the commissioners take any action upon that matter? A. I think Mr. Forrest, either in the meeting of the board or in presence of some of the commissioners, denounced it,

Q. Is Mr. Smith now connected with the board? A. I don't know; I think not.

Q. When was he removed, do you know, or have you any information? A. No, sir; I have not.

Q. Do you know of any other cases where assessments were levied for political purposes? A. Under the present board?

Q. Yes, sir? A. No, sir.

Q. Under the previous board? A. Yes; under the previous board letters were sent from Tammany hall, asking the officers to contribute, but this is the first time that one of the clerks of the commission stood at the door of the treasurer's room, levying assessments on the clerks when they receive their pay.

Q. Do you know whether these assessments were paid to Tammany hall? A. Yes, sir; you are referring to Tammany hall?

Q. I am talking now about the previous board? A. Yes, sir; I think they have; they have a practice of sending receipts to persons contributing; I know I have received receipts the same as I did this year from Tammany hall for a contribution I paid; I say this year; I mean last November; but that was the first time that such a thing ever was done in this commission; that a clerk was delegated, as this clerk was last November, to stand at the treasurer's door, and levy these assessments.

Q. Who was the treasurer at that time? A. Mr. Bergen.

Q. Do you know whether any of the commissioners sanctioned that besides Mr. Stephenson, as you have stated upon information that he did? A. I don't know that, except that I was told.

Q. Was Mr. Walter H. Smith an appointee of Mr. Stephenson's? A. I think he was; I am not certain; but I think he was.

Q. Do you know who was influential in getting the contract here for Mr. Biglin? A. Mr. Biglin and Mr. Murphy, I think, and the custom-house generally.

Q. Mr. Stephenson lives in the same district with Biglin, does he not? A. Yes, sir; and so does Mr. Murphy.

By Mr. ALVORD:

Q. What Murphy? A. Tom; there were one or two questions you asked Mr. Lynch yesterday, governor, in reference to the management

of the commission, a smaller board, and Mr. Lynch stated that he could not see where the connection between quarantine and emigration was; there was a law by which every emigrant who died in the Marine Hospital, leaving property, that if the property was less than $25, the commissioners of emigration took charge of it and administered it; but, if the emigrant died and left orphan children, then no matter what the amount of property might be, the commissioners took charge of it and administered it for the orphan children; at present, the health officer has charge of all the effects of emigrants dying at quarantine; and by the law under which he acts, in reference to the effects of deceased persons, he hands it all over to the public administrator; now, all of the property of emigrants should go into the hands of this commission, the same as it did in former years; now, there is one reason why the two boards should be united; another is, that while emigrants are sick and quarantined under the charge of the health officer, the commissioners of emigration have no more power or control over them than a private citizen; and it is their duty and their privilege, and ought to be their right to be able to go down among these people while they are in quarantine and visit them, and send officers down to see what they want, and see if the cause of their sickness was ill-treatment on shipboard, and investigate, generally, into their condition; now, there is another, and a very strong reason why the two boards should be united; you also asked Mr. Lynch, in reference to a representation of other nationalities in the board, as well as Irish and German, and he spoke about the amount of emigration from other countries; I was just looking at the arrivals, from 1847 to 1874, inclusive; the number from Ireland was about two millions, the number from Germany was about two millions, and the number from England was three-quarters of a million; well, now, those three-quarters of a million, it seems to me, ought to have a representation.

Q. Do you mean to say that they ought to have a representation, providing a nationality should be represented at all? A. My idea is this: that the presidents of the various emigrant societies should be an advisory board.

Q. Advisory, simply? A. Advisory, simply.

Q. And you don't believe that they should have any further than an advisory power under any circumstances, do you? A. Well, the trouble is, that they are governed, sometimes, by extraneous influences.

Q. They now have beyond a simply advisory power? A. I know they have.

Q. But, you think they ought to be confined to a simply advisory power? A. I think it would be better; I will give you an illustration: the presidents sometimes act — although, in saying that, I want

to say this, that I don't think there are higher-minded, purer-minded men in any public board, in the city of New York, than the gentlemen, who represent those two societies in connection with this board, always have been, except in one or two instances, and then I don't know as it was so much from a willingness to do a wrong as it was from ignorance, not knowing that they were doing wrong — the president of the board who was in office at the time that this thing occurred, that I am going to tell you, came to me and asked me why a certain boarding-house keeper was refused admission to Castle Garden ; I told him that he was an improper person ; says he, "Why do you think so?" says I. "I understand from good authority that he has been offering money to persons outside to obtain influence to get him in, and I don't think such a man is fit to be here, because he is not going to lose the money, but is going to make it out of the emigrants ;" and said I, "besides that, I don't think his moral character is good ;" said he, "I am satisfied it is; I am satisfied that the man is a proper man to come in, and," said he, "I direct you to admit him ;" said I, "As you have that right, you, of course, take the responsibility of his actions while he is here ;" said he, "I do ;" that man was admitted ; in about two weeks after or a month perhaps, an emigrant girl came here, bareheaded, barefooted, nothing on her but her dress, and said she had escaped from a house of prostitution in Greenwich street to which she had been sent ostensibly as a servant by the bar-keeper of this very boarding-house keeper; she said the woman came to the hotel, or boarding-house, and the bar-keeper told her that he had two very nice girls ; she said she wanted to hire two, and the girl wanted to know what for; and she said to attend in a little store and sell beer, and do general work ; she paid to the boarding-house keeper $1.50 a day, his regular price being only 75 cents, and that being the inducement to get the girls; paying double price for the number of days that the girls were at the house ; at the time this girl came to me she had already been in that house a week ; she said that the first night that they went up stairs to go to bed, that 'longshoremen and seamen came into the room, and the woman accompanying them, and made these girls stay with them and with a number of men each night. I asked this girl, "Why did you leave?" "Well," she said, "I didn't want to stay any longer; I had enough ;" says I, "Where is the other girl?" "She is in the house yet ;" at the end of about six months I was enabled to punish the woman and sent her up to Blackwell's Island ; it shows that these men don't always examine closely and judge correctly as to the business of the department.

By Mr. WAEHNER:

Q. In that respect they are much like other men, are they not? A. I say they are operated upon by extraneous influences.

By the CHAIRMAN:

Q. Was this boarding-house keeper of the same nationality as the commissioner? A. Yes, sir; therefore, I think that the advisory power, with a right to examine the working of the institution just when they choose to, to examine the accounts of the institution when they choose to, and have a general supervision over it, and to advise these state commissioners as to what they ought to do, would constitute the most effective board that could be put in office.

By Mr. ALVORD:

Q. In other words, you would deprive them of any executive power? A. If you have two, as you suggested yesterday, why not all these nationalties have a representation in the board; I have heard, from time to time, complaints on the part of other emigrants that they were not as well attended to as the Irish and the German emigrants, because they had no representative here to look after their interests.

Q. That is all well enough, but I am talking about the administrative power of the commission itself; your idea is to make them simply advisory, not at all executory? A. That is what I would say.

Q. They are now partially executory? A. Yes, sir.

Q. They have the whole power, except simply the appointing of officers? A. Yes, sir.

Q. And you would divest them of all power, except simply an advisory power? A. Yes, sir.

By the CHAIRMAN:

Q. Is there any other explanation? A. Well, I thought of making a personal explanation, but I don't care about doing it.

By Mr. ALVORD:

Q. Mr. Casserly, we are to continue this examination to some extent, and I would like to have you in attendance? A. Whenever I can come I will.

By the CHAIRMAN:

Q. If it can be, either on the part of the commissioners or yourself, Mr. Casserly, an examination divested of all personal feeling or animus, it would be much preferable to the committee? A. Well, I suppose it is right, but men are human.

The CHAIRMAN — When a man testifies under such a strong state of personal feeling that crops out at every sentence that he utters, it must necessarily impair the force of his testimony.

The WITNESS — The policy with several of the gentlemen has been to try and detract from my services in this commission; now I don't

want to flatter myself, nor to praise myself, but I am entitled to simple justice in reference to my connection with the commission; and I say if these gentlemen were to live their lives over again, they would not do for the emigrant all that I have done, owing partly to the opportunity I have had.

Mr. MAUJER — I would like to state one word; Mr. Casserly's memory, as well as mine, may be defective. He has stated that Mr. Murphy told him that I was connected with him in the ferry company.

Mr. CASSERLY — Perhaps I may mistake a bank over there at Williamburgh; are you not directors in a bank?

Mr. MAUJER — I have never owned a share of ferry stock; have never been associated with Mr. Murphy; I esteem him quite highly as a gentleman, a man of honor and high integrity.

Mr. CASSERLY — Are you not connected with some bank there?

Mr. MAUJER — No, sir; I have never been connected with any bank with Mr. Murphy.

Mr. CASSERLY — He told me so.

Mr. MURPHY — I am not Mr. Murphy's man, or Mr. Dutcher's man; I have never been owned by any man in this country.

The CHAIRMAN — I don't understand Mr. Casserly's statement to go to that extent.

Mr. CASSERLY — I do not desire to be understood that way; I wish to make another remark on another subject; the head-money was raised in 1853 to $2; the commissioners commenced the erection of the Verplanck Hospital in 1864; during that period of 11 years the emigration averaged 148,000 a year; during that time the board saved up, out of the $2, for this hospital, nearly $300,000; they paid to counties, county claims and interest, over $450,000, and they spent on permanent improvements on Ward's Island $100,000.

By Mr. GEDNEY:

Q. Besides this hospital? A. Besides this hospital; in other words, the savings amounted to $800,000.

By the CHAIRMAN:

Q. We would like to go a step further — you may not be prepared to-day, but at some future time — what the whole amount of expenditure for salaries was, during the same period? A. I could do that; I will do that to-morrow.

Q. Embracing Castle Garden and Ward's Island? A. Castle Garden was not in existence until 1867, I believe.

Q. Well, the expense for salaries; there was an expense somewhere? A. Of course; you will find from 1853, say — why, it is just like a

thermometer, rising in the warm weather, a gradual increase, year after year — the salaries went up year after year.

By Mr. VOSBURGH:

Q. When did they attain their highest pitch? A. In 1871; in 1872 they were reduced; in 1873 they went up again.

By Mr. ALVORD:

Q. In 1873 did they go up to 1871? A. No; I think they were about 10 per cent below '71.

By Mr. GEDNEY:

Q. What time in 1873? A. The last seven months were greater than the first five months; the last seven months the present board were in office.

By the CHAIRMAN:

Q. Was that increase attributable to a larger number of employees, or an increase of salaries? A. I think it is to the increase of employees.

Q. Can you give us the information upon that, in your examination? A. I could not to-day, but I could to-morrow.

Q. I mean at your convenience? A. Yes, sir.

By Mr. GEDNEY:

Q. With your experience — and I do not wish to deteriorate one iota from my high estimation of you — but, do you mean that as at present, the way salaries are fixed at present, they are in excess or are they too low for the position? A. I certainly do not think they are too high, as they are at present.

Q. If emigration should start up now, the present season, if it should increase materially, is there help enough connected with the commission of emigration to properly attend them?

A. I think there is, sir; I say now, what I have said already, that one-half of the places — I won't say at the present time, because I think they have been pretty well sifted down — one half of the places always have been sinecures for the last ten years; I do not say that the men did not come here; but they did nothing, or were incompetent.

By Mr. ALVORD:

Q. They were practically sinecures? A. Yes, sir; and it grew out of just that system that I told you of on Saturday, by splitting up the duties of one official, and taking on one, two and three.

By the CHAIRMAN:

Q. Subdividing? A. Subdividing.

By Mr. GEDNEY:

Q. That has been going on for a number of years? A. Yes, sir.

Q. No particular commission are responsible for that? A. The other men did not come in with such a blowing of trumpets on the subject of reform, as this board did.

Q. I am not speaking of that; all boards for the last ten years are responsible? A. Yes, sir.

Q. In 1872, in your opinion, do you think a reform from that was desirable? A. I do; but we have not had it.

Henry J. Jackson, recalled.

By Mr. WAEHNER:

Q. These are the statements that you have made up showing the number of removals, and the resignations, and the re-appointments? A. Yes, sir; from May 1st, 1873, to March, 1874.

[Statement marked "Exhibit No. 1; August 17, 1875 — F. M. A."]

Q. And here is a condensation of them? A. Yes, sir.

[Statements marked "Exhibit No. 2," and "Exhibit No. 3, respectively, "August 17, 1875 — F. M. A."]

EXHIBIT No. 1, *August* 17, 1875. F. M. A.

Employees of the Commissioners of Emigration at Castle Garden, May, 1873, *with changes noted to March,* 1874.

NAME.	Office.	Salary per annum.	Changes.
Bernard Casserly.....	General superintendent,	$6,000 00	Mr. Casserly resigned June 1, 1873; E. D. Webster appointed superintendent; removed June 1, 1874; office discontinued.
N. H. Jackson.....	Treasurer	4,000 00	Mr. Jackson resigned June 1, 1873; Garret Bergen appointed; Mr. Bergen resigned January 1, 1875; duties now performed by secretary.
Lorenzo Cantador....	Deputy superintendent,	3,500 00	Office discontinued April 1, 1874, and services of incumbent dispensed with.
H. J. Jackson.....	Assistant secretary	2,250 00	Appointed secretary November 24, 1874, salary $2,500 per annum.
H. D. Glynn	General clerk.....	2,250 00	Salary reduced to $1,200 per annum.
A. Fitzpatrick.....	County bills and treasurer's clerk.....	1,500 00	Salary reduced to $1,200 per annum.
T. P. Lynch	Clerk, treasurer's office,	800 00	Removed September 16, 1873; Charles Dolan appointed; Dolan removed May 1, 1874; appointment not filled since.
H. True	Interpreter.....	1,200 00	Removed June 1, 1873; P. I. McPherson appointed; resigned Sept. 1, 1874, and W. H. McPherson appointed; salary reduced to $720 per annum.
John Degraw.....	General clerk, executive office	720 00	Office discontinued May 1, 1874, and services of incumbent dispensed with.
James Shanahan	Visitor and clerk, executive office	1,200 00	Deceased; Thomas Hastings appointed Oct., 1873; salary reduced to $900 per annum.
Thomas Ivers	Jan'r and care of offices,	720 00	

Andrew Phalon.....	Messenger.....	600 00	Removed July 1, 1873, and W. T. Mayer appointed; salary increased October 1, 1874, to $750 per annum.
W. S. Hillyer.....	Counsel to board.....	2,500 00	Removed, and W. H. Scott appointed July 1, 1873; salary reduced to $2,000 per annum.
F. W. Salmonson	Clerk, Mayor's office...	1,000 00	Salary reduced to $900 per annum.
H. A. Ovington	Clerk, Chamberlain's office	700 00	Salary reduced to $600 per annum.
W. I. Donnelly.....	Clerk, Irish emigrant society.....	1,200 00	Office discontinued and services of incumbent dispensed with, May 1, 1874.
R. Schmiedeberg.....	Clerk, German society.	1,200 00	Office discontinued and services of incumbent dispensed with, May 1, 1874.
Charles Freeman.....	Boarding house inspec.	600 00	Office discontinued and services of incumbent dispensed with, May 1, 1873.
John W. Sterling.....	Examining physician..	1,800 00	Salary reduced to $800 per annum as consulting physician; Dr. Chapin appointed examining physician; transferred to Ward's Island, August 1, 1874; duties now performed by resident physician.
Walter Tobin.....	Resident physician	1,800 00	Salary reduced to $1,500 per annum.
Richard Von Poser...	Chief clerk, Ward's Island bureau.....	1,800 00	Removed April 1, 1874; George Gardner appointed; Gardner transferred and Von Poser re-appointed April 20, 1874; Von Poser resigned June 9, 1874, T. H. Stanton appointed; salary reduced to $1,000 per annum.
Alfred Cooper	Clerk, Ward's Island bureau.....	1,300 00	Removed May 1, 1874; E. B. Cooney appointed and salary reduced to $900; Cooney transferred to Ward's Island, February 1, 1875, as chief clerk; office vacant.
I. H. Muller.....	Clerk, Ward's Island bureau.....	1,200 00	Removed July 1, 1873; T. H. Stanton appointed; salary reduced to $1,000 per annum.
G. C. Van Hovenberg.	Clerk, Ward's Island bureau.....	1,500 00	Removed August 1, 1873.
I. H. Thonsen	Messenger, Ward's Island bureau.....	2 00	Per day; salary reduced to $50 per month.

EXHIBIT No. 1.—(*Continued.*)

NAME.	Office.	Salary per annum.	Changes.
Peter McDonnell.....	Chief clerk, forwarding bureau.....	$1,800 00	Removed July 1, 1873; George Gardner appointed in his place; office discontinued May 1, 1874.
Jacob Domuth..	Clerk, forwarding bureau.....	1,000 00	Deceased; Henry Laymann appointed June 1, 1873; office discontinued May 1, 1874.
Charles Dolan	Messenger, forwarding bureau.....	600 00	Transferred September 1, 1873, to treasurer's office, and removed May 1, 1874.
John Coonan.....	Chief clerk, landing bureau.....	1,800 00	Salary reduced to $1,200 per annum.
C. W. Kruger.....	Clerk, landing bureau .	1,300 00	Resigned September, 1873; George D. Kraup appointed in his place; Mr. Kraup transferred to duty as boarding officer; office discontinued.
Thomas McQuade....	Clerk, landing bureau .	1,200 00	Salary reduced to $1,000 per annum.
Benny Levy.....	Clerk, landing bureau .	.....	Transferred to Ward's Island bureau, and salary reduced to $1,000 per annum.
Christopher Peterson .	Interpreter, landing bureau	1,200 00	Salary reduced to $1,000 per annum.
John F. Ruete.....	Clerk, landing bureau .	1,200 00	Salary reduced to $1,000 per annum.
Alex. McDonnell.....	Clerk, landing bureau .	1,200 00	Removed July 1, 1873; Samuel Tompkins appointed; salary reduced to $1,000.
Henry Merritt.....	Postmaster.....	1,250 00	Office discontinued May 1, 1874, and services of incumbent dispensed with.
T. H. Brandt.....	Assistant postmaster...	1,000 00	Office discontinued May 1, 1874, and services of incumbent dispensed with.

Otto Heinzman.....	Chief clerk, information bureau.....	1,800 00	Transferred to executive bureau, June 1, 1874; Charles Kuchenbecker appointed chief clerk information bureau, June 1, 1874; salary reduced to $1,000 per annum.
Louis Biehayn.....	Clerk, information bureau.....	1,200 00	Removed January 20, 1874; office vacant.
James O'Callahan....	Clerk, information bureau.....	700 00	Salary reduced to $600 per annum.
John Marselis	Messenger, information bureau.....	600 00	Removed May 1, 1874; office vacant.
Wm. Connolly.....	Chief clerk, labor bureau.....	1,400 00	Removed July 20, 1873; T. P. Fairman appointed and removed May 1, 1874; W. H. Thyson transferred; salary reduced to $1,000 per annum.
John Connally.....	Clerk, labor bureau...	1,400 00	Removed July 1, 1873; W. H. Smith appointed and transferred to executive bureau, May 1, 1874; office vacant.
Chas. Kuchenbecker..	Clerk, labor bureau...	1,200 00	Transferred to information bureau; office discontinued.
Louis P. Reichard....	Clerk, labor bureau...	1,200 00	Salary reduced to $1,000 per annum.
Chas. E. Christal.....	Clerk, labor bureau...	1,000 00	Removed July 1, 1873; W. H. Tyson appointed; since transferred to duty as chief clerk of labor bureau.
Mary Moody.....	Matron, labor bureau..	900 00	Salary reduced to $720 per annum.
Patrick Cherry	Messenger, labor bureau.	600 00	Removed May 1, 1874; office discontinued.
James Hickey.....	Gate keeper, labor bureau.....	2 00	Per day; removed July 1, 1873; Rob Tucker appointed and removed January 4, 1875; office discontinued.
Wm. Maloney.....	Gate keeper	1,000 00	Removed July 15, 1873; Wm. Costello appointed and removed May 1, 1874; Thomas Blanche appointed; salary reduced to $540 per annum.
John Keating	Gate keeper	600 00	Salary reduced to $540 per annum.
Louis Kluff	Gate keeper	600 00	Salary reduced to $540 per annum.
Thomas Cummins ...	Gate keeper	600 00	Removed July 15, 1873; L. Caswell appointed; Caswell removed December 1, 1874; office discontinued.
Joseph Egan	Gate keeper	800 00	Removed July 15, 1873; Charles Mason appointed; salary reduced to $540 per annum.

EXHIBIT No. 1.—(*Continued.*)

NAME.	Office.	Salary per annum.	Changes.
Elise Esslinger	Matron	$360 00	
Bridget Ivers	Matron	360 00	
Charles Bruce	Overseer of labor	1,500 00	Removed April 1, 1874; George Gardner appointed; Mr. Gardner removed January 1, 1875, and office discontinued.
John D. Burns	Capt. of night watch	1,095 00	Removed July 1, 1873; A. Clearman appointed in his place; salary reduced to $960 per annum.
James R. Martin	Serg. of night watch	912 00	Removed July 15, 1873; W. Van Riper appointed in his place; W. Van Riper removed May 1, 1874.
A. Schmidt	Night watch	912 00	Removed July 15, 1873; James Murray appointed in his place; salary reduced to $540 per annum.
John Murphy	Night watch	912 00	Removed July 15, 1873; James Sullivan appointed; Sullivan removed February 1, 1875; office vacated.
Phil. Ecker	Night watch	912 00	Salary reduced to $540.
Ed. Reilly	Night watch	912 00	Removed July 15, 1873; Jacob Brush appointed; Brush removed May 1, 1874; Caleb Tompkins appointed in his place; salary reduced to $540 per annum.
John McCormick	Night watch	912 00	Removed August 12, 1873; Henry Kelly appointed in his place; Kelly removed and John Ryan appointed; salary reduced to $540 per annum.
C. Christiansen	Orderly Castle Garden hospital	912 00	Resigned August 1, 1873, and Henry Thonsen appointed in his place; salary reduced to $540 per annum.
Doris Withvelt	Nurse, Castle Garden hospital	360 00	Removed July 1, 1874, and Catherine Clifford appointed in her place.

Fred Kassner.....	Chief boarding officer .	1,500 00	Removed July 16, 1873; John C. Smith appointed in his place; Smith transferred and George T. Krauss appointed; Krauss removed June 16, 1874; office discontinued.
W. B. Strang	Boarding officer.....	1,200 00	Office discontinued January 16, 1874, and services of incumbent dispensed with.
John H. McDonald...	Boarding officer.....	1,200 00	Removed July 16, 1873; G. A. Martinus appointed; office discontinued January 16, 1874, and services of incumbent dispensed with.
Fred Lascar	Boatman on Staten Isl.	780 00	Office discontinued January 16, 1874, and services of incumbent dispensed with.

WARD'S ISLAND.

L. R. Welles.....	Warden, Ward's Island.	*3,000 00	Resigned September 30, 1873; office discontinued.
I. D. Krehbiel	Deputy warden, Ward's Island	*1,500 00	Appointed acting superintendent September 15, 1874; salary fixed at $2,000 per annum, without board.
Cornelius Sexton.....	Steward, Ward's Island.	*900 00	Removed June 3, 1873; Wm. Bennett appointed at a salary of $1,000 without board; salary reduced to $775 per annum.
Charles Koehler	Chief clerk, Ward's Island.....	*900 00	Resigned March 1, 1874; F. Goodwin appointed at a salary of $1,075 per annum, without board, and removed November 1, 1874; James McCaffrey appointed; McCaffrey removed March 1, 1875; E. B. Cooney transferred from Castle Garden, at a salary of $900 per annum, without board.
Rev. T. Prachensky ..	Chaplain.....	*1,000 00	Salary reduced to $600 per annum.
Rev. G. Schmidt	Chaplain.....	*1,000 00	Salary reduced to $600 per annum.
Wm. Healy.....	Baker	1,200 00	
James Shean	Farmer	600 00	
Fr. Munker	Day police	540 00	Removed April 9, 1874.
Francis Mitchell	Clerk.....	*600 00	Reduced July 1, 1873; F. Goodwin appointed in his place; F. Goodwin transferred to duty as assistant store-keeper, and the clerkship abolished.

* With board.

EXHIBIT No. 1.— (*Continued.*)

NAME.	Office.	Salary per annum.	Changes.
Ann Molloy.....	Matron	* $480 00	Salary increased to $650 per annum, but without board.
Joseph M. George....	Engineer	1,200 00	Salary reduced to $1,000 per annum.
Joseph Hoeger.....	Door-keeper.....	*360 00	Removed June 1, 1873; Jacob Slenker appointed; salary increased to $600 per annum, but without board.
William Millner	Coxswain, Ward's Isl'd.	600 00	Salary increased to $900 per annum.
J. E. Spinner.....	Charge of dining room.	*360 00	Transferred December 1, 1873; F. Muncker appointed; Muncker resigned February 1, 1874; Wm. Loewe appointed; salary fixed at $600 per annum, without board.
James Crean	Temporary cook	*360 00	Resigned June 1, 1873; J. Krause appointed, and resigned October 1, 1873; office discontinued.
John Burnock.....	Blacksmith	*360 00	Removed September 20, 1873; Dennis Mooney appointed, and removed December 1, 1873; Michael Cleary appointed May 1, 1874.
Thomas Molloy	Assistant engineer	*480 00	Salary increased to $655 per annum without board.
Wm. Viner.....	Tinsmith	*240 00	Deceased; office discontinued December 1, 1873.
Gottl. Andreas.....	Whitewasher.....	*480 00	Salary increased to 655, without board.
Patrick Quinn.....	Sexton	*300 00	Resigned September 11, 1874; Rob Stuart appointed and salary reduced to $144 per annum.
James Tobin.....	Assistant baker.....	*480 00	Salary increased to $655 per annum, but without board.
M. H. Frey.....	Night police.....	*360 00	Removed October 13, 1873; James Blessing appointed; salary increased to $655 per annum, but without board.
R. B. Fogarty	Night police.....	*360 00	Removed August 1, 1873; I. F. Cleary appointed, and removed January 1, 1874; Francis Doran appointed in his place; salary increased to $655 per annum, but without board.

Joseph Zuber.... ...	Assistant storekeeper..	*420 00	Removed November 1, 1873; F. Goodwin appointed; Goodwin transferred March 1, 1874; James McCaffrey appointed; transferred December 1, 1874, and F. G. Peables appointed at a salary of $600 per annum, but without board.
Joseph T. Hearne	Superintend't barracks.	1,000 00	Resigned August 12, 1873; W. H. Horton appointed; salary reduced to $775 per annum, February 1, 1875.
Wm. Loewe	Engineer gas works ...	*600 00	Removed November 1, 1873; A. Diamond appointed at a salary of $925 per annum, without board.
Thomas Halon.....	Night police.....	*360 00	Removed August 1, 1873; Jac. Slenker appointed; Slenker transferred and Halon reappointed at a salary of $655 per annum, without board.
Dr. George Ford	Chief physician.....	*3,500 00	Salary reduced November 1, 1873, to $2,500 per annum.
Dr. John Dwyer	Resident physician....	3,000 00	Resigned July 1, 1873; Dr. E. Smith appointed, and resigned June 1, 1874; Dr. W. G. McMasters appointed January 1, 1875, at a salary of $2,000 per annum.
Dr. Ph. Essroger.....	Assistant physician....	2,000 00	Resigned August 1, 1874; Dr. S. H. Chapin transferred from Castle Garden, at a salary of $1,200 per annum.
Dr. T. C. Hallock	Resident physician, lunatic asylum	2,000 00	Resigned November 13, 1873; Dr. Kitchen appointed, and resigned June 1, 1874; Dr. E. C. Mann appointed at a salary of $1,800 per annum.
R. Stutterheim	Apothecary	1,200 00	Resigned September 16, 1873; L. Buchop appointed May 1, 1874, at a salary of $900 per annum.
Thos. McMullen	Doctors' clerk	*420 00	Removed August 1, 1873; I. McCaffrey appointed; transferred April 1, 1874; Henry Roberts appointed, and removed August 1, 1874; office discontinued.
Maria Cass.....	Matron	400 00	Office discontinued.
Augusta Schmidt	Matron	400 00	Resigned February 14, 1874; Eliza Wills appointed at a salary of $360 per annum.

* With board.

EXHIBIT No. 1.—(*Continued.*)

NAME.	Office.	Salary per annum.	Changes.
Bridget Smith.....	Nurse, ward 7	* $420 00	Deceased; Bridget Reynolds appointed June 1, 1873, removed May 1, 1874; Caroline Quasig appointed at a salary of $600 per annum, without board.
Catharine Scully.....	Matron, ward 26.....	*360 00	Salary increased to $535 per annum, without board.
John Voss.....	Chief orderly.....	*240 00	Salary increased to $600 per annum, without board.
John Hinck.....	Metropolitan police ...	1,000 00	Services dispensed with, March 1, 1874.
E. Duffy.....	Metropolitan police ...	1,000 00	Appointed assistant overseer.
Dennis Carroll.....	Carpenter	†3 50	Removed January 1, 1873; Ed. Rogers appointed; Dennis Carroll re-appointed August 1, 1873; salary reduced to $3.00 per day.
John Clark	Carpenter.....	†3 50	Removed June 1, 1873; Robert Christian appointed.
John Kiernan	Carpenter.....	†3 50	Removed December 6, 1873; office discontinued.
Michael Lynch	Laborer.....	†2 00	Removed August 1, 1873; Peter Oliver appointed in his place; wages reduced to $1.50 per day.
Michael Mahar	Laborer.....	†2 00	Removed August 1, 1873; James Malony appointed; wages reduced to $1.50 per day.
Patrick Murray.....	Laborer.....	†2 00	Removed August 1, 1873; James Sherry appointed; wages reduced to $1.50 per day.
Charles Hirsch	Laborer.....	†2 00	Wages reduced to $1.50 per day.
Arthur Donaldson ...	Laborer.....	†2 00	Wages reduced to $1.50 per day.
John Murphy	Laborer..... ...	†2 00	Removed August 10, 1873; Peter Scanlon appointed; wages reduced to $1.50 per day.

* With board.

† Per day.

EXHIBIT No. 2, AUGUST 17, 1875. F. M. A.

NUMBER OF EMPLOYEES AT CASTLE GARDEN, MAY, 1873, 70.

CHANGES FROM MAY, 1873, TO MARCH 1, 1874.

Officers resigned.

	Date of resignation.
Bernard Casserly, superintendent	June 1, 1873.
N. H. Jackson, treasurer	June 1, 1873.
C. W. Kruger, clerk	September 1, 1873
C. Christiansen, orderly	

Offices abolished — no re-appointments made.

L. Cantador, deputy superintendent	April 1, 1874.
J. P. Lynch, clerk treasurer's office	September 16, 1873.
Charles Dolan, clerk forwarding bureau	September 1, 1873.
J. De Grauw, clerk executive bureau	May 1, 1874.
W. J. Donnelly, clerk Irish emigration society	May 1, 1874.
B. Schniedenberg, clerk German society	May 1, 1874
Ch. Freeman, boarding-house inspector	May 1, 1873.
H. Merritt, clerk post-office	May 1, 1874.
J. H. Brandt, clerk post-office	May 1, 1874.
J. Marselis, clerk information bureau	May 1, 1874.
Patrick Cherry, messenger	May 1, 1874.
W. B. Strang, boarding officer	January 16, 1874.
Louis Biehayn, clerk information bureau	January 20, 1874.
Fr. Lascar, boatman	January 16, 1874.

Employees removed.

	Date of removal.
H. True, clerk	June 1, 1873.
A. Phalon, messenger	July 1, 1873.
W. F. Hillyer, counsel	July 1, 1873.
J. H. Muller, clerk Ward's Island bureau	July 1, 1873.
G. C. Van Hovenbergh, clerk Ward's Isl. bureau,	August 1, 1873.
Alexander McDonnell, clerk landing bureau	July 1, 1873.
Wm. Connolly, clerk labor bureau	July 20, 1873.
Charles Christal, clerk labor bureau	July 1, 1873.
Wm. Maloney, gatekeeper	July 15, 1873.
Joseph Eagan, gatekeeper	July 15, 1873.
J. D. Burns, watchman	July 1, 1873.
John McCormick, watchman	August 12, 1873.
Edward Reilly, watchman	July 15, 1873.
James R. Martin, watchman	July 15, 1873.
A. Schmidt, watchman	July 15, 1873.
Dora Withoft, Nurse	July 1, 1874

Employees removed and subsequently re-appointed.

R. Von Poser, chief clerk Ward's Island bureau, removed April 1, 1874, and re-appointed April 20, 1874.

Employees retained.

H. J. Jackson, secretary, etc.
H. D. Glynn, clerk.
N. Fitzpatrick, clerk.
Thomas Ivers, janitor.
F. W. Salmonson, clerk mayor's office.
H. A. Ovington, clerk chamberlain's office.
J. W. Sterling, physician.
Walter Tobin, physician.
J. H. Thoenssen, orderly.
John Coonan, chief clerk landing bureau.
Thomas McQuade, clerk.
Benny Levy, clerk.
C. Peterson, interpreter.
John J. Reute, clerk.
Otto Heinzmann, chief clerk.
James O'Callaghan, clerk.
Chas. Kuchenbecker, clerk.
L. P. Reichard, clerk.
Mary Moody, clerk.
John Keating, gate keeper.
Louis Kluff, gate keeper.
Eliza Esslinger, matron.
Bridget Ivers, matron.
Philip Ecker, watchman.

Employees removed, appointments made but offices subsequently abolished prior to March 1, 1874.

		Date of removal.
Alfred Cooper, clerk Ward's Island bureau	May	1, 1874.
Peter McDonald, chief clerk forwarding bureau	July	1, 1873.
James Hickey, gate keeper labor bureau	July	1, 1873.
Thomas Cummins, gate keeper landing bureau	July	15, 1873.
Charles Brice, overseer of laborers	April	1, 1874.
John Murphy, watchman	July	15, 1873.
Fr. Kassner, chief boarding officer	July	15, 1873.
J. H. McDonald, boarding officer	July	15, 1873.
John Connolly, clerk labor bureau	July	1, 1873.

Employees deceased.

James Shanahan. Jacob Demuth.

SUMMARY.

Number of employes resigned	4
Number of offices abolished, no re-appointments made	14
Number of employes retained	24
Number of employes deceased	2
Number of employes removed	16
Number of employes removed and re-instated	1
Number of employes removed and the offices subsequently abolished	9
	70

Number of carpenters and laborers May, 1873, 8.

CHANGES FROM MAY, 1873, TO MARCH, 1874.

Retained.

Charles Hirsch, laborer. Arthur Donaldson, laborer.

Office abolished — no re-appointments made.

John Kiernan, carpenter.

Removed.

Michael Lynch, laborer. John Murphy, laborer.
Michael Maher, laborer. John Clark, carpenter.
Patrick Murray, laborer.

SUMMARY.

Number retained	2
Offices abolished	1
Number removed	5

EXHIBIT No. 3, AUGUST 17, 1875. F. M. A.

NUMBER OF EMPLOYEES AT WARD'S ISLAND, MAY, 1873, RECEIVING COMPENSATION (INCLUDING VALUE OF BOARD) OF $500 PER ANNUM, 42.

CHANGES FROM MAY, 1873, TO MARCH, 1874.

Employees resigned.

	Date of resignation.
L. R. Welles, superintendent	September 30, 1873.
Dr. Dwyer, resident surgeon	July 1, 1873.
Dr. Essroger, resident physician	August 1, 1874.
Dr. Hallock, resident physician	November 13, 1873.
R. Stuttenheim, apothecary	September 16, 1873.
Mrs. Schmidt, matron	February 17, 1874.
Jos. J. Hearne, overseer	August 12, 1873.
Pat'k Quinn, sexton	September 1, 1874.
Jas. Crean, cook	June 1, 1873.
Chas. Koehler, chief clerk	March 1, 1874.

Offices abolished — no re-appointments made.

Miss Coss, matron	
J. H. Hinck, police	March 1, 1874.

Employees removed.

	Date of removal.
C. Sexton, steward	June 3, 1873.
Jos. Hoeyer, dock keeper	June 1, 1873.

Fr. Munker, watchman	April	9, 1874.
M. H. Frey, watchman	October	13, 1873.
R. B. Fogarty, watchman	August	1, 1873.
Jno. Burnock, blacksmith	September	20, 1873.
Jos. Zuber, assistant storekeeper	November	1, 1873.
Wm. Lowe, engineer	November	1, 1873.

Employees removed — appointments made and the offices subsequently abolished.

Francis Mitchell, assistant clerk	July	1, 1873.
Thos. McMullen, doctor's clerk	August	1, 1873.

Employees deceased.

Wm. Viner, tinsmith.
Bridget Smith, nurse.

Employees retained.

I. D. Krehbiel, superintendent.
Rev. J. Prachensky, chaplain.
Rev. G. Schmidt.
Wm. Healy, baker.
Jas. Shean, farmer.
Anna Malloy, matron.
Jos. N. George, engineer.
Wm. Milner, charge of Ferry.
F. E. Spinner, cook.
Thos. Malloy, assistant engineer.
G. Andrews, whitewasher.
Jas. Tobin, assistant baker.
D. Carroll, carpenter.
Thos. Nealon, watchman.
Dr. Ford, physician-in-chief.
Cath. Scully, matron.
John Voss, chief orderly.
Ed. Duffy, overseer.

SUMMARY.

Number of employees resigned	10	
Number of offices abolished and no re-appointments made	2	
Number of employees deceased	2	
Number of employees retained	18	
		32
Number of employees removed	8	
Number of employees removed and the offices subsequently abolished	2	
		10
		42

Adjourned to August 19, 1875, at 10.30 A. M.

NEW YORK, *August* 19, 1875.

Present — George W. Schuyler, chairman, *pro. tem.*, Messrs. Alvord, Vosburgh and Gedney.

George J. Forrest, called and sworn:

By Mr. ALVORD:

Q. Are you one of the present commissioners of emigration? A. I am, sir.

Q. How long have you been acting in that capacity? A. I was elected to fill a vacancy, in 1872; served about one year in the previous board.

Q. Previous to the present board? A. Yes, sir; previous to the present board.

Q. And then? A. I was one of the six appointed by the governor, in May, 1873.

Q. Appointed by the governor, or by the act of the legislature? A. Appointed by the governor.

Q. Pursuant to the act of the legislature? A. Nominated by the governor.

Q. You have seen and heard in the examination of other parties here, the general drift in reference to all this matter of our investigation, and we would like to have you go on in your own way, subject to such interruptions as we may from time to time see fit to make; in the first place, make a general statement in answer to the various propositions that you understand we are here to investigate, in your own way? A. I have no general statement; it is only in reply to questions that I supposed would be asked me that I have made a memorandum, and explanatory of some of the testimony that was put in by some of my associates.

Q. You can take your anticipated answers and make a sort of statement in your own way, then we will be enabled more guardedly to ask you direct questions? A. Then referring to Mr. Commissioner Stephenson's testimony, there is a matter which seems to reflect upon a committee that was appointed to make the coal purchases of last year, and I would like to submit a statement of that; my associate is present who has gone into the matter thoroughly, the examination and I am satisfied that Mr. Stephenson, if he had made the examination, would not have made the statement that he did, and therefore, with the permission of the committee, I will read the statement explanatory of the transaction.

Q. Before we go into that, what position have you occupied upon the board? A. The first year under the old board I was on the finance

committee and have been there ever since; I was in the second commission; I was the second on the finance committee, Mr. Maujer being the chairman; the third year, I was pressed further down on all the committees and left off of Castle Garden.

Q. What committees had you been, up to that time, a member of? A. I had been a member of Castle Garden and the finance.

Q. Were you on the Castle Garden during the time in which you held an appointment to fill a vacancy the first year of your service? A. Yes, sir.

Q. And on the finance? A. Yes, sir.

Q. You continued on Castle Garden and on the finance for the next year, did you? A. Yes, sir.

Q. And for the third year, which, of course, would be the year 1873? A. I was then on the finance and Ward's island.

Q. Any other committees have you been placed on since? A. No, sir.

Q. What committee are you on now? A. I am serving *ex officio* on all the committees.

Q. You are now president? A. Since the 19th of February.

Q. Since the 19th of the past February, you are president of the commission? A. Yes, sir.

Q. Now go on with your statement? A. Mr. Vosburgh was very attentive at the time of Mr. Stevenson's examination in the matter of coal and I would ask his attention to this statement, and I want to show him the correspondence; I state:

In the matter of coal purchases:

On the 23d of June, 1874, a committee was appointed as follows:

"Commissioner Lynch moved that Commissioners Forrest, Maujer and Starr be appointed as a special committee, with power to purchase the coal required for the Ward's Island institutions."

Previously coal had been purchased by Mr. Bergen from the Delaware, Lackawanna & Western Railroad Coal Company, on satisfactory terms and conditions, but the board had decided that future purchases should be made subject to the condition that the coal should be weighed on our own scale at Ward's Island, and paid for according to the quantity certified to as having been received.

Thereupon Mr. Starr and myself made personal inquiry, and directed the treasurer to issue to the principal and leading coal mining companies a circular, soliciting proposals to furnish 3,000 to 4,000 tons of coal at Ward's Island, under the above conditions.

Mr. Starr and myself accepting from various sources the information that a combination existed among the coal companies, that prices should advance 10 to 15 cents per month per ton during the year, but all outside the combination claiming that it would fail in its object, and

coal would be lower. The Pacific Mail Steamship Company, a large consumer, whereI am a director, acted upon this hypothesis, by declining to make contracts for delivery ahead. The result of out inquiry then was:

Delaware & Hudson Canal Company and the other prominent mining companies, offered at (for July delivery) grate, $5.65; egg, $5.80; stove, $6.30; total, $17.75; average per ton, $5.92.

August delivery — Grate, $5.80; egg, $5.95; stove, $6.45; total, $18.20; average per ton, $6.06.

Mr. J. H. Lyon, of 668 First avenue, offered, July to November delivery — Grate, $5.55; egg, $5.70; stove, $6.40; total, $17.65; average per ton, $5.88⅓.

We waited developments until September 1st, when the committee reported why they had not made purchases. Commissioner Stephenson then offered the following resolution, which was adopted: "That the purchase of 3,000 tons of coal for the Ward's Island institutions be referred to commissioners Starr and Forrest, with power."

This committee, through the treasurer, solicited proposals for 3,000 tons of first quality, fresh mined white ash coal (1,000 tons of each egg, stove and grate), delivery during the year, with the following result:

Lehigh and Wilkesbarre Coal Co., average per ton.....	$6 23
Philadelphia and Reading Coal Co., average per ton	6 27
Locust Mountain (Scott & Sons) Coal Co., average per ton...	6 01⅓
Delaware, Lackawanna and Western Coal Co., average per ton,	6 28
Delaware and Hudson Coal Co., average per ton	6 28

Pennsylvania Company declined to deliver.

The committee accepted the lowest bid ($6.01⅓); the quality was found to be very satisfactory. The actual difference between the lowest price named in June and the purchase made in September was 13 cents per ton higher. making an excess of but $390 on the purchase made of 3,000 tons.

Mr. Stephenson did not offer the resolution at the time; he offered a resolution on the first day of September, and not in June.

By Mr. GEDNEY:

Q. I would like to ask one question; how did the weights compare with the bill of lading and yours? A. There were discrepancies at times; there were some discrepancies but it ran very near even; there was some difference.

Scott & Sons, on the 2d day of September, wrote this letter:

"PHILADELPHIA, *September* 2, 1874.

"GEORGE J. FORREST, ESQ.:

"I notice by the *Herald* that you are one of a committee of two appointed by the board of emigration to purchase 2,000 tons of coal for immediate use. I will be in New York to-morrow, Thursday, and if you have not already made the purchases, should be pleased to have the privilege of offering our Locust Mountain coal, as I think I can make figures as low or lower than New York companies.

"Respectfully yours,

"JOHN T. SCOTT."

That was the 2d day of September — we call attention to it. The letter of Mr. Lyon was very full, and very satisfactory as far as it went — only we didn't buy the coal — but the difference between his, and what we paid two months after, was 13 cents per ton precisely. The Delaware and Hudson Canal Company, for July, August, September, $17.75 for three tons. The Philadelphia and Reading Coal Company; this company will furnish Locust Mountain coal, fresh mined at your request at an average of $6.20, discharged on your dock. That matter was all in the hands of the treasurer, under the supervision of the committee, for he did the writing in part. Here is the treasurer's memorandum made up, and which is gone over, which he did not have before him at the time he was called upon. He didn't seem to know as much about it as he has since; but I have given it a very careful examination, submitted it to the secretary, and the treasurer, on his own figures, and that is the result of that coal operation. I would like to read the following letter:

"*September* 23, 1874.

"GARRET BERGEN,

"*Treasurer of Commissioners of Emigration:*

"*Dear Sir* — In reply to your favor of 18th instant, we beg to state that we will furnish the commissioners of emigration with 3,000 tons of our Girard Mammouth Locust Mountain white ash coal (fresh mined, and of first quality), delivered along side your wharf at Ward's Island, at prices as follows:

"Say 1,000 tons broken coal, at $5.69; 1,000 tons egg coal, at $5.91; 1,000 tons stove coal, at $6.99.

"These prices are not net along side wharf at Ward's Island; discharging for boats 15 cents per ton additional.

"Deliveries to be made at rate of 1,000 tons, of 2,240 per month, weight to be tested on your scales, we having privilege of supervising same. In making our proposition at these extremely low figures, we have been influenced by the fact of our having the privi-

lege of delivering either size first as may *suit our* convenience. It is important to us that we hear from you at your very earliest convenience that we may be guided in our sales to our regular customers. Trusting that you will consider our figures as confidential, we remain,

"Respectfully yours,

"JOHN C. SCOTT & SONS."

By Mr. ALVORD:

Q. Right here I want to ask this question: your purchases were always for the gross ton? A. Always 2,240 pounds.

Q. 2,240 pounds, the gross ton? A. Always.

Q. Do you want to make any further explanation yourself, before I ask you? A. No, sir.

Q. You have stated, and I desire that to be perfectly well understood, that the reason of your failure to take the proposition which was made early to you by this Mr. Lyon — A. Yes; or the other coal companies.

Q. The proposition which was apparently 13 cents a ton lower than that which you did absolutely receive, was owing to your impression that the combination was to be a failure? A. We acted upon that; that was my conviction, from talking to our own people who are large purchasers of coal; we are consumers of 200,000 tons of coal a year, and the purveyor and officers of the company did not purchase to deliver ahead; Mr. Starr and myself conferred, from day to day, and that was the impression that was left upon him, that we didn't lose any thing by putting it off from July to September.

Q. And the only difference was how much? A. It was 13 cents per ton.

Q. Did you get a good article of coal? A. Unquestionably; very satisfactory.

Q. Did you get as good an article of coal as you would have done under the proposition of the gentlemen who offered it low? A. I don't know what he would have delivered, but the coal that was delivered was satisfactory.

By Mr. VOSBURGH:

Q. How do you compare the coal that you bought with the coal of the Delaware and Hudson Canal Company? A. We never had it; we only had Delaware, Lackawana and Western Railroad Co. coal.

Q. How do you compare the coal that you bought, with the Delaware, Lackawanna & Western R. R. Co.'s coal? A. The superintendent reported it as first quality, equally good, I believe.

Q. But it is a coal that is not usually used to any great extent, is

it? A. These parties have several mines; Glendale and the Gilberton and others, and if you asked me why I think they furnished this coal at a lower price, it was because they were furnishing the steamboat and broken coal for the Pacific mail, and this was a market for the other, smaller coal.

By Mr. ALVORD:

Q. They furnished these parties the steamboat coal, and this was the coal that ran lower grade than the steamboat coal? A. It ran at higher prices.

Q. It ran at a lower grade in size; your steamboat coal is a much heavier coal? A. There is a difference, as Mr. Vosburgh would know, steamboat or lump coal, $4.99; steamboat, $5.09; broken, $5.19; egg, $5.34 and $5.79; that is at the mines; just that difference; it always runs along that way; the stove is the highest price, then comes the egg, next broken; the lowest is the lump, except the chestnut.

Q. The coal that you got, you are willing to say this much, that it was a good servicable quality, a kind of coal that would fully perform all that you desired of it? A. From my recollection of what was said at the time, from the consumers on the island, it was as good as they ever had; very satisfactory; if it had not been the case we should have heard of it.

Q. How is it, so far as regards this year? A. We are entirely without coal, and without money to buy it; we are now waiting to know how we are to furnish the island with fuel for the coming winter; we have no money and no credit; and we want at least $20,000 to furnish coal.

Q. You have made no arrangement for coal for the coming year? A. None, sir; none of the companies are willing to furnish it upon an indefinite credit; the State of New York has no credit with the coal companies to purchase our supplies, and, therefore, there is no use for us to issue proposals for the lowest bidder; some might furnish it upon speculation; but, my judgment is, we had better wait and see what we can do; better pay more for the coal when we have the money to pay for it.

Q. You want coal before the in-coming legistature, and you are in no condition or situation to raise any money, as I understand it? A. The only hope that this board has, is in the assent of the state officers to increase the mortgage upon the property of the commission of emigration, and to borrow money to furnish coal and to pay existing liabilities; that is the only hope that we have, and as soon as the officers will meet in Albany, and you gentlemen give us the leisure, we shall go to Albany, and make a statement under oath before the state officers, and ask them to permit us to provide for our own necessities.

Q. Does that idea of your want of credit for the purchase of coal also obtain in regard to your want of credit for the purchase of ordinary supplies? A. To a great extent; I think we would change some of our dealers, if we had the money to pay them, instead of issuing tokens; we owe, I think, about $20,000 to-day of promises to pay when in funds, and I believe it impracticable to do so; that is the unfortunate condition of this commission; of course we are running behind every day.

Q. Now, do you want to go on, and make a general statement in regard to your idea why you are in this condition? A. That is patent, sir, that the income from the emigration is not equal to the necessary expenditures of the commission.

Q. Take it the first year that you were here, what were the expenses as commensurate with a due economy in the administration of affairs? A. The first year that I came into the board (without going over the figures) emigration was pretty large, but still it was but $1.50, but I believe from that day we have been growing in debt; I think our debt was increasing from that day; the end of the first year my recollection is, that we were in debt; we assumed we would be in debt about $65,000 or $66,000, and it differed very little from it.

By Mr. VOSBURGH:

Q. You assumed that you would be in debt? A. Yes, sir; that is the first report; the first year I was in.

Q. What steps did you take to avoid that indebtedness for the coming year to avoid running further in debt the coming year? A. That was the last year of the former commission; I was in that for one year.

Q. That was for 1872? A. For 1872; and they recommended an increase of the commutation-money, showing that there was a deficit of over $60,000.

Q. That was 1872? A. Eighteen hundred and seventy-two.

Q. What action was taken in 1873? A. The same means, an application for an increase of commutation-money and the payment of the debt that we believed was justly due from the state.

Q. You say you appeared before the committee in 1873, to have an increase of head-money? A. Yes, sir.

Q. And also in 1874? A. Yes, sir.

Q. In your argument before the committee in 1874, what argument did you make to the committee in regard to the increase of head-money? A. My recollection is, that we showed a continual increase of obligations over our expenditures.

Q. And a decrease of emigration? A. Of course a decrease of emigration.

Q. And you anticipated a still further decrease, did you not? A. We did; we anticipated it, but not really to the extent that it has shown.

Q. Then I will ask you the same question that was put to Mr. Lynch; as president of the commission, did you take any steps toward curtailing the expenses, reducing the salaries of employees, etc.? A. In 1873, it was as early as June, the question of the reduction of salaries was mooted, and it was deferred from time to time, which you have in the testimony of Mr. Maujer and others, and there was not any very great reduction made the first year.

Q. If, in 1874, when the commissioners anticipated a large decrease of emigration, if they had taken the same stand then that they have taken now since the first of June in curtailing the expenses and reducing the employees, wouldn't it have been a great saving to the commission, and wouldn't they have been in a much better shape to-day than they are? A. Undoubtedly, but some of the commissioners would not believe that the emigration would fall off to the extent that it has.

Q. But still it was apparent every month, month after month, that there continued to be a large decrease? A. That was true; further than that there was a difference with the commissioners as to who should be dismissed, or how the force should be reduced.

Q. When did Mr. Casserly resign? A. He resigned in May or June, 1873.

Q. Mr. Webster was appointed in his place as superintendent, wasn't he? A. Yes, sir.

Q. Whose appointment was Mr. Webster considered? A. By whom was he nominated?

Q. Yes, by whom was he nominated? A. I think there were five votes at the board.

Q. Who nominated Mr. Webster if you remember; Mr. Starr? A I don't recollect; Mr. Starr was very urgent for the retention of Mr. Casserly.

Q. Did you regard, at the time, the position of Mr. Webster as necessary to the board? A. I though it necessary to have a secretary and superintendent in one.

Q. Up to how long did you deem it necessary to have a superintendent in office? A. Very soon after the appointment of Mr. Webster I didn't deem him necessary to the interest of the institution.

Q. How long was it before you investigated to see the necessity of the existence of the office of superintendent? A. I came to that conclusion very soon after his appointment, but the board only united as

they did, I think in the month of March, a year ago, they decided by a unanimous vote to dispense with his services and some others.

Q. And Mr. Jackson was made superintendent at that time? A. Yes, sir; or acting secretary, and since that time he has been made secretary and acting superintendent; we abolished the office of superintendent.

Q. Making the three positions into one? A. Yes, sir.

Q. Do you think the present force of employees are sufficient or superfluous to carry on the business of the commission successfully? A. I think the force both here and at Ward's Island is inadequate for the proper service of this concern.

Q. Where does it lack, in the office or in the outside arrangements here in Castle Garden? A. Well, our bureaus, two of them, are not running; one of them is running at the expense of the Irish and German societies, and the other is not run at all, only by a supernumerary.

Q. What bureau is that? A. The United States bureau; the labor bureau is run by the Irish and German societies at their expense; it ought to be run by the commission.

Q. The United States bureau is not run? A. It is only partially run — if they can spare one man from the rotunda.

Q. What is the business of that bureau? A. It is to receive the application for the friends of the emigrants who are waiting for their arrival; they are recorded, and their names are sent in, and, when the emigrant is inside, he is asked who he is expecting, and these names are given to him, or they are carried out by an officer, and brought face to face with the applicant, particularly if it is a young woman, and if it appears to be a proper person they are turned over; and I have seen a great deal of good come through the United States bureau.

Q. That bureau would not require over one person? A. Yes, sir; three can be well employed there; one can be employed as a messenger for carrying those who want that information to the different stations.

Q. Before this reduction took place in the first of June, didn't you consider there were a great many employees here in positions known as sinecures, with nominally nothing particular to do? A. There were not a great many, but there were some, and I could go back from the records, and tell you when, that I was urgent to have some of the parties removed, and I succeeded after a while, but not in the first instance.

Q. There was evidence the other day that, at the election last fall, one of the employees of the office was standing here at the treasurer's door, waiting for the employees to go out, and, as each man came out, they were taxed to pay the election expenses of Mr. Biglin; did you know that to be a fact? A. I heard of that at the time, but not until after the employees had been assessed or taxed.

Q. After that? A. After that, but I heard it in time to prevent Mr. Heinzman, the German clerk, from calling together the boarding-house keepers; he had received the same instructions to take from the boarding-house keepers a contribution for the benefit of Mr. Biglin; that was his information to me; they are a class of people we have to deal with — boarding-house keepers; and I told him that the commissioners would not permit themselves to be under any obligations to the boarding-house keepers, and, if he carried out that request made to him by Mr. Smith, I would endeavor to have him dismissed.

Q. As soon as you learned that there had been instructions given here, in this office, to tax each employee of the commission so much for political purposes, you immediately stopped it, did you? A. I did, as far as I could.

Q. Not considering such a thing proper? A. I considered it a great outrage upon the employees, that they should be taxed for political purposes.

By Mr. ALVORD:

Q. Are you aware of any instructions or consent upon the part of any commissioner of emigration, to any such proceeding upon the part of any of their employees? A. I have not, to my knowledge.

Q. I ask you whether or not there were, either from information or from absolute knowledge on your part, in consenting to instructions on the part of any commissioner, that this thing might be done? A. I could only give you the words of the parties who paid the money, that they paid it to Smith, who was the clerk in this office, who said it was at the request of the commissioners.

Q. Upon the request of what commissioners? A. Upon the request of Mr. Stephenson; I never heard Mr. Stephenson or any other commissioner speak in reference to it.

Q. Did you ever have any conversation with Mr. Stephenson, upon the subject? A. I don't recollect that I did.

Q. You never gave him an opportunity to affirm or deny that proposition of Mr. Smith's? A. I don't recollect that I did.

Q. Where is Mr. Smith? A. I don't know; he went out of the employ here some months ago; the month of May, I think.

Q. Are you aware whether or not he is within the power of this committee to obtain? A. I think so.

Q. What is his name? A. Walter H. Smith.

Q. Do you know whether any steps were taken by the commissioners of emigration as a board, in any way, to coerce the payment of this sum of money which was taxed upon these different employees, upon threat of dismissal, provided they did not pay, or any thing of that kind?

A. I do not; I don't think it was even brought before the board or talked of in the board.

Q. If Mr. Stephenson had done as was claimed by Mr. Smith, would Mr. Stephenson have had power with the knowledge of the reason for his action, to have dismissed any of these parties if they had not paid; did he have that power in the board to have brought about their dismissal for a refusal to pay? A. Under the by-laws of this board, it requires four — the voting power is seven; it requires four affirmative votes for a dismissal or appointment.

Q. Could Mr. Stephenson, if he had undertaken to exercise the power of removal in consequence of the refusal to pay this amount that was called for, could he, in your judgment and opinion, have succeeded in removing any one for that and for that cause only, for a refusal to pay? A. I could not answer that even as a matter of opinion, as to how the gentlemen would have voted on that question.

Q. I did not know but you knew the *personnel* of your commission sufficiently to enable you to say in that regard; but you are positive of the fact that in no regular or stated meeting of the commissioners or in no action, so far as you know, of the majority of the commision, was any such action as that approved? A. I do not, sir; it was never a matter of discussion before the board to my recollection, when I was present.

Q. What position did Mr. Biglin occupy as connected with the commission at that time? A. He had the privilege of expressing or transporting the luggage of the emigrants.

Q. He was not an employee? A. No, sir.

Q. But he was simply a licensed or privileged expressman? A. Yes, sir; he was appointed by the board.

Q. That is, he is sanctioned by the board, or appointed? A. He is appointed regularly by the board; all the commissioners, including the president of the two societies, have a right to vote for a privilege; it is not an appointment.

Q. I didn't suppose he was appointed by the board; he was simply sanctioned; a half dozen gentlemen apply for this particular privilege and you designate by vote, which one of those who are applicants shall receive it? A. That is the action, exactly.

Q. But in no sense of the term are they paid by the commission or by any funds growing out of the emigrants? A. No, sir.

Q. When did Mr. Biglin cease to be in that capacity? A. I can refer to the minutes; it is within two months.

Q. Was it a resignation, or a removal, or a withdrawal of the sanction? A. It was a removal.

Q. A withdrawal of the sanction? A. Yes, sir.

By Mr. VOSBURGH:

Q. It was a removal on what ground? A. I should say the ground of expediency.

By Mr. ALVORD:

Q. Looking to future legislation in connection with emigration? A. Well, the majority of the voting power preferred the privilege to be given to another.

Q. In your opinion, would the economical administration of the emigration commission, commencing with the time when you was first here, kept up to a point where the absolute necessities of the commission would have been subserved — would it have been sufficient to have kept you out of debt? A. At $1.50?

Q. At $1.50? A. I don't believe it could have been reduced at any time to have been run for the two years.

Q. Take the years 1872, 1873 and 1874, and so much of 1875, would the most economical administration of the affairs of this institution commensurate with the duties which it had to perform, have permitted you to have run these three and a half years at a reduction of head-money to $1.50, without running in debt? A. I don't think the reduction could have been made equal to it, from the time that I came into the board, and that is over three years.

Q. Then I understand you to say, while you think there might have been large economy in the expenditures, as compared to what it really was for a portion of the time, still an economy commensurate with the necessity, would not have been sufficient to make the two ends meet at the head-money price? A. I think not.

Q. You are largely engaged in the matter of general business connected with the commerce of the city of New York, are you not? A. I have been a merchant here and ship owner.

Q. You are one of the directors of the Panama Line of Steamships? A. Director of the Panama Railroad Company and the Pacific Mail Steamship Company.

Q. I want to know your opinion of the effect of this head-money upon either the commerce or the tide of emigration to the city of New York? A. Well, sir, as to the effect of an increase of commutation money, or more money than to-day, I cannot believe it would have any injurious effect upon the commerce of the port of New York; I would say, if you will permit me, that the commutation money at present is not adequate to the necessary service; I say, further, that the sum which is paid now, and was paid by the ship or the transportation, and an equal amount by the emigrant, both would be earned by what they receive in the first place — for the facilities and convenience

afforded to the ship and the protection they receive from the ship; then, I say, if it was $1.50 more which was paid by the emigrants direct for protection, landing in Castle Garden, and the saving in baggage that is handled without costing them a cent, when, if landed at the pier outside it would like cost him considerable; therefore, there is a double consideration given for the amount of commutation-money that is now paid; that is my conviction from a close study for the last three years.

Q. Now, supposing it was as it is now, a charge, in reality, upon the ship-owners upon the steamship company, do you think if it was $2.50 a head instead of $1.50, it would at all retard emigration to this particular port? A. In answer to that, I would say, I don't think it would, but I don't think $2.50 necessary; I think $2 should be established; that upon a moderate emigration, and some provision made for the present obligation of the commission, it would then be self-sustaining; if you could guarantee 200,000 a year, and the present commutation-money be paid, and provision made for the overdue obligations, then, I think, it would be made self-sustaining under a rigid and very exact economy, that would permit a better service than we are now able to perform.

Q. There may be a difference of opinion, in regard to the way in which we should meet your present obligation? A. Yes, sir.

Q. Two dollars and a half at present would be required, probably, to meet your present obligations with the volume of emigration that you would have within a reasonable time, and self-sustain you, wouldn't it? A. Yes, sir; there would be an excess, to go to the liquidation of the overdue obligations.

Q. Right in that connection, permit me to ask you whether your idea of keeping it at $2 is not based upon the proposition that your present indebtedness be assumed by the state? A. If the emigration increases upon a basis of $2 a head, a part of the debt would be liquidated; if you go back to 300,000 I believe it could be paid, and money borrowed temporarily as it is now, and we could go in liquidation in excess of the necessary disbursements for the commission.

Q. I don't desire to be carried off from the general point of my question which I am asking you, but still you drive me now to the necessity of asking you another question, and that is this: from your long experience as a merchant, and as a ship-owner, what do you think of the future, of the volume of emigration to this country; in other words, do you think you can base any probable calculation of the future, in the increase of the head-money, because of the *per capita*, to the extent of your necessities, at $2, or do you rather incline to

believe that your emigration in the future is to be considered as very largely dwindled in volume? A. I can only answer this way: I believe that emigration will only be increased by our prosperity; that is the history of emigration, as far as we read, that when times are bad in this country, our emigration is very small, and *vice versa*; when on the other side of the water, they have troubles or famine, or war, then the emigration increases.

Q. Then the volume of emigration is a very uncertain figure? A. Very; there is no inducement for them to send for their friends when there is nothing for them to do in this country, which has been the case for two years.

Q. Then would it not be easier to charge what would be paid without, in consequence of the exaction of that money, a sufficient amount of head-money, so as under any exigency, to take care of the emigrants and to leave to returning prosperity a consequent reduction of it if necessary, rather than to start with a too small sum in the first instance and find yourself in difficulty thereafter? A. That would be prudent, sir, and I give it as my opinion that it would not prevent, to any extent, the emigration to this country.

Q. We have this year, according to your statement, based upon the first six month of this year, a probable emigration of 90,000, but entering upon the second six months, as your secretary and all say, it will fall, at least, below 90,000, and possibly down to 75,000; now, can you get along and support this institution and have any prospect of the payment of your indebtedness in the future, for less than $2.50, based upon that emigration? A. No, sir; we can not, and that is very much below our expectations.

Q. Could you do it with any thing less than 200,000? A. Not at $1.50.

Q. Could you, at $2, pay your indebtedness? A. No, we cannot; oh, at $2, at 200,000?

Q. At any thing less than 200,000? A. No, sir; we cannot.

Q. Say 150,000 or 100,000? A. I think not; I think that is as low as you can estimate it.

Q. In order to pay the expenses of this concern, and finally wipe out its indebtedness, it would require, at $2 a head, 200,000 emigrants annually; that is your proposition? A. As a matter of opinion, I think so.

Q. If you have got any statement— A. As to who pays the commutation-money; this would be in answer to the question as to whether the emigrant is aware of any commutation on this side, I say simply this; that in applying for passage from Europe, say at the port of Bremen, Hamburg or Liverpool, the agent informs the applicant of the cost of commutation-money on this side, and if so informed,

would he change his destination for any other port; I say, sir, in my opinion, he would not; New York is the port; passengers come here and look for the protection given to the emigrants.

Q. They do not get any advantage in the price of passage by the reduction of head-money? A. No, sir; the landing and care, and caring of the luggage of these steerage passengers who have been here before is obligatory upon the commission; of those that arrived here this year, about 40 per cent had been here before; here is a steamer that arrived yesterday; one steamer with 38 returned and 39 aliens; another, 37 returned and 102 aliens; another, the Algeria, of Liverpool, 64 returned and 67 aliens; almost half and half; I think the average, I can say, is equal to about 40 per cent.

Q. Now, you want to be understood that so far as regards these parties that return, they pay no commutation-money? A. No; and they have no advantage from the ship from the other side; if the matter of commutation-money is mentioned, they don't get any advantage of it.

Q. They pay the same as the alien? A. Yes, sir.

Q. And you take care of the luggage? A. Yes, sir.

Q. And you get no pay for that at all? A. Not at all; they are registered on our books; it is a very important consideration that 40 per cent of the emigrants return and it is obligatory upon us to take care of them; they must land at this pier and must pass through our register; we have all the clerical work and the care of the baggage; it is true they have paid commutation-money before; it may have been within one year or ten years, but still we get no benefit of it.

Q. If they are regularly naturalized citizens of the United States, they don't have to come here, do they; it is only when they continue to be aliens? A. Coming in the steerage, although they are aliens, a cabin passenger pays as much as a steerage passenger; they could not get off the ship in any other way; the officers would not permit them to go off the ship; they must get on the tug and be brought to this pier; the commissioners indicate any pier in New York; we may say pier 42 if we choose, or put them on the Pacific Mail Steamship pier; we indicate the pier, but when they once come to Castle Garden, they must go through the regular routine; they must be registered, state their destination and where from, and whether they have been here before or not; now, that is confirmed by the manifest in the mayor's office; the manifest is sent down here and they check off; occasionally, from time to time, men have been returned here as having been here before; they come here for aid, and the register shows that they have been in the country, before, or the manifest rather; they make the necessary affidavit in answer to one of the committee; $2.50 was charged in some cases; these parties that arrived in the city of New York at Castle Garden when $2.50 was the

commutation-money, but it was only found out three years afterward when they came here, and upon their affidavits we still collect the commutation-money from the ships, and take care of the emigrants; there is an immense amount of work to be done — the labor of registration and examination; it is done in the Ward's Island bureau, that is a very important matter, the work that is done by this commission for the returned emigrants.

Q. Then you speak of your own knowledge of the fact that I, an alien passenger, and you, an alien, having been over here before, and paid your commutation, starting in the same vessel from Europe, have to pay exactly the same price for passage, although in my case they collect $1.50 and in your case none? A. Not at all; there is no distinction made.

Q. There is no difference made in the cost of transportation? A. There is an illustration of it to-day in the arrival of these ships, where one had 38 returned; the ship had 77; returned, 38; aliens, 39; the Elysia, 32 returned, and 102 aliens; the Algeria, 64 returned, and 67 aliens; now the Cymbria from Hamburg had 279, and only 55 returned; the reason of that is, they are Mennonites; there is a body of Mennonites to the extent of about 200 came over on that ship, and I think the average from the year up to this time would not be much short of 40 per cent that we have received through this bureau and handled their baggage, but they have had no advantage over the others, nor have they had any advantage shown them in purchasing tickets from Bremen, Hamburg or Liverpool, in the matter of commutation-money.

By Mr. VOSBURGH:

Q. The law is that the commission of emigration is to take care of the emigrants for two years, is it not? A. Any able-bodied person; it is in their discretion not longer than two years, and that does not apply to the disabled and the cripples.

Q. Do you think that the commissioners of emigration should take care of able-bodied men to exceed two years? A. No, sir; I don't think it should.

Q. Do you think it should take care of able-bodied men as long as two years, men who are able bodied every way, capable of earning their own living and doing their own work? A. My observation is this that there were times when it was impossible for able-bodied men to find any thing for them to do; we had a labor bureau for them, and we made application to the different departments, and put them on the street shoveling snow.

Q. If an able-bodied emigrant comes here and stays here a year and

learns the ways and usages of this country, why should he not be taken care of the same as all other paupers are, by the state, instead of being taken care of by the commissioners of emigration? A. I think the answer to that would be that he is a commuter.

Q. That is, $1.50 commuter? A. Yes, sir; he has paid whatever it was; he has paid the commutation-money, and he is not a pauper.

By Mr. ALVORD:

Q. A sort of insurance? A. On the principle of underwriting, but it is too low.

By Mr. VOSBURGH:

Q. Affecting the constitutionality of this law, that the State of New York cannot collect any commutation tax on any emigrants going out of this state, if you should go on that rule, how much will it cost to sustain an emigrant, if that is the case, when probably nine-tenths of the emigrants which arrive here immediately go out of the state; if the commissioners of emigration are to tax the steamship companies to sustain and maintain these emigrants for two years or more, why, the taxation would be $25 a head, instead of $1.50, and they could not do it at that? A. I have no doubt it requires legislation, and we may not be able to establish this head-tax, as we call it; it is not that; that is a misnomer; it is a commutation tax; it is commuted for a bond; the state can protect itself as other states do, by requiring a bond, which would be very inconvenient; that was thoroughly explained by a gentleman the other day, who was the superintendent; it is a matter for their convenience to commute.

Q. I understand the commissioners have not enforced those bonds? A. Those are what are called special bonds; the others have not been taken.

By Mr. GEDNEY:

Q. Carrying out that idea, suppose the law is declared unconstitutional, the State of New York would have a right to protect itself against all foreigners landing here, and who else would be responsible for the care except the parties that brought them? A. You are protected against foreigners coming from any state in the same way.

Q. Mr. Vosburgh was asking those questions, and I thought I would carry it out a little further? A. That is a matter that requires legislation, no doubt.

Q. The state would be justified in protecting itself in case this was abolished? A. I think so.

By Mr. ALVORD:

Q. It is upon the same theory that, if they land a certain number of passengers in the city of New York, and State of New York, in order to be permitted to come upon our shores, they have got to give bonds, or in some other way, aid, for the possible danger of the state being compelled to take care of them during some period of the time which they are here. A. That has been recognized so long, that I doubt whether it will ever be set aside.

Q. In your opinion, under all the circumstances which surround this board of emigration, connected with the interest of the people of the State of New York, is it policy or right, on the part of the state, that any portion of the expenses of this institution should devolve directly upon the tax-paying interests of the state? A. I think not; I think this institution is capable of being made self-sustaining.

Q. Not only capable of being made self-sustaining, but, according to your idea, is that the true policy? A. I think so, decidedly.

Q. Is not the fact that the larger body of immigration, which comes through the port of New York, is thrown over into other states of the union rather than the State of New York? A. Repeat that.

Q. That the larger volume of immigration that comes here, does not stay here, but goes to the other states of the union? A. Yes, sir; there is no room in our state for the emigration that is received here; many of them are bound for other states.

Q. What, in your opinion, would be the policy of a proposition so to amend our law, that, where it is perfectly clear that a party landed in New York for the purpose of going to one of the other states of the union for a permanent residence, and should, within the time limited by the statute, float back again to the State of New York, should we be compelled to take care of him; should it not be contrary to the policy, and to the practice of the State of New York, to refuse; should it not be contrary to their practice to pay, in that case; should they not refuse to pay it; in other words, should not the doctrine that in Massachusetts obtains, obtain here; the doctrine of Massachusetts is this, and their law is this: that where a party is to be permanent in the State of Massachusetts, there the head-money is $1; if, on the contrary, a bond is given, that the party goes outside of the state within 24 hours, there is no head-money exacted, because they hold this, if they are once out of the State of Massachusetts, they are under no obligation to pay any thing if they happen to float back again? A. If I am correct, I think there is a bond for 10 years.

Q. They give a bond for 10 years, I am aware of that? A. That is the inconvenient part of it; they give a bond for 10 years, that if they become crippled or destitute, they are to be supported, and the commutation is waived.

Q. The commutation is not vaived if they remain permanently in the state; if, on the contrary, they depart from the state within 24 hours, then the commutation is waived and they give a bond? A. The emigration has been so light in the State of Massachusetts, it has not been inconvenient to give the bond; it would be inconvenient to give a bond here; that is why these ship-owners all favor the commutation-money, to avoid rolling up such a volume of obligations.

Q. I want to go to one other branch of this subject, in regard to the *personnel* of the commission itself; it is now composed of nine gentlemen, is it not? A. Yes, sir; nine.

Q. Three *ex-officio* and six appointed? A. Yes, sir; but one *ex-officio* has the same power of voting, as the nominee by the governor.

Q. That is, the mayor of the city of New York has the power to vote with yourself, making seven in the executive board, and two ornamental or honorary; now, is not that, in your estimation, an unwieldly commission? A. I think not, sir; I don't know but it might work as well with less, but not a very close commission; it is peculiarly organized to-day; the gentlemen who do the most work, who are more deeply interested in it from their nationality, the presidents of the German and Irish societies, they are deprived of the bare privilege to vote for appointment or removal of a subordinate; on the question of salary and the question of privilege up to that point, they have power; under our by-laws it is very difficult to get a quorum, which is six, without both of those gentlemen, and they are there oftener in attendance than any of us; they have more annoyance than any commissioner; they are not only seen at this place of business, but their own place of business; every day they are waited upon by the applicants, either after they leave here or before they come here, and I always felt that they were entitled to all the privileges of a full commission as they were until the act of 1873.

Q. Do you believe, or do you believe to the contrary, that there should be no *ex officio* commissioners, and that the mere fact of one being a president of the national society should not create for that position his position as a commissioner? A. If you give the nationalities a representation I don't know how you can make them better representative men than those who are elected by their own societies.

Q. Would you give the nationalities representation? A. I think so.

Q. Why should you not give the English, then? A. They are not sufficiently numerous.

Q. Why shouldn't you give the Scandinavians? A. The same reason.

Q. Are they not entitled, notwithstanding the fact that they are not so large in volume, to just as much a representation so far as regards

their interests, as those who may be larger in number? A. The same question has often come before the board and some have favored it, recommended it, but I think that the great body from Ireland and the United Kingdom, who are protected by it, and from all the German states, and you may include the Scandinavians, if you please, that they are sufficiently protected.

Q. Would they not be carrying out the very gist, and the true intention of our government, fully as well protected, having no reference to nationality, whatever, in the commission — if you think that the distinction should be kept up — by permitting a national representation in a purely republican commission? A. That would seem to be the origin of the commission, but to carry out your idea why they should not, it would be so cumbersome if you brought in commissioners of every nationality, that would be against the theory of many that it is already too large; as an American citizen, I have not, nor have I known of any partiality being shown between the emigrants; I know them as one people, and that is all, and I think that American citizens—our own presidents are American citizens — of American birth, are as competent to serve them as their own nationalities; it seems to be forced upon them, and it would be entirely a new departure to not have representative men from those great nationalities.

Q. Cannot you have that representation, so far as it regards these nationalities, as well in your employees who must, of necessity, from their knowledge of the language, and the habits of these people, be employed as clerks, without the necessity of having a national representation through the presidents of the national societies here? A. My feeling and opinion and conviction is, that there should be at least two, and that they should be full commissioners.

Q. In other words, that these nationalities should be represented by a delegate from their societies, and that those nationalities thus represented should have full power, or at least one voice each in the entire administration of the affairs? A. That is my conviction, sir, from an observation of nearly three years, as to the work and service those gentlemen have performed.

Q. Do you believe that a paid commission would or would not be better than the present commission? A. I do not believe it would be in the interest of the state to make this a paid commission.

Q. You made a remark a moment ago that I want to follow up; you say that there are but apparently few in the commission who really do the work, who are they? A. The mayor never comes here; Mr. Havermeyer, during his term of service, was never here but twice, on special occasions; the present mayor is here very seldom; and it reduces it down to six; one is now in Europe; I think the act itself

should provide — it is a delicate matter for the board of commissioners not to grant leave of absence, but at the same time I think the commission should be five, seven or nine, and that there should be a time if they did not occupy a seat at the board, unless under some disability, that it should be declared vacant.

By Mr. VOSBURGH:

Q. With your large experience as a business man, being connected with corporations, haven't you always found it that a large board of directors have always been unwieldy; that it is almost an impossibility to get a quorum; for instance, if it is nine commissioners, it requires five for a quorum; if there is 13, it requires seven; it is unwieldy, it is almost impossible to get a quorum to meet; whereas, if you reduce your board down to a small number, you concentrate your powers down to say five or three, or seven, where, if there was five, it would only require three for a quorum; don't you think that would be preferable to a commission of nine? A. Perhaps with a large commission they don't see the necessity of coming always, expecting somebody to take their places; that is the way we are unfortunately placed to-day.

Q. It is unwieldy and you cannot get the gentlemen together; one will think "there will be a quorum without me, and I won't attend;" but where there is a small commission, say five, you would invariably have a quorum, and if there was three of you present there would be a quorum, and the other two gentlemen who were absent, there might be something that they didn't like, and the next time you would find them present, fearing that there would be something done at the next meeting that they would not exactly like, and they would be present to protect themselves? A. I know that to be the case, not in this board, but in others.

By Mr. ALVORD:

Q. How many practically do run this machine to-day? A. We are without a quorum and have been for some time; the labors are divided; the chairman of the Ward's Island committee, who has been there frequently — I think he goes there at least once a week and makes his suggestions and has a meeting of his Ward's Island committee.

Q. What constitutes a quorum here? A. A meeting of the board is six.

Q. That is, if there are four commissioners present and two ex-officio members present, that is six? A. Yes, sir; that makes six, and forms a quorum.

Q. Can they make an appointment or displacement at a meeting of

that kind? A. Only by an affirmative vote of four of the voting power.

Q. You have not answered my question? A. I will say that probably the reason that there were not more removals made in the early part of this, that it required four to remove or appoint, under the by-laws, and unless it was agreeable to four gentlemen out of the seven, or out of the six — for there never were more than six present who had a voting power — it was a very difficult matter to make any change in the *personnel* of the establishment.

By Mr. VOSBURGH:

Q. I noticed some amendment was made in the by-laws, by commissioner Stephenson, and they were carried, and at a subsequent meeting those amendments were moved to be stricken out; what was the cause of it?

By Mr. ALVORD:

Q. You are getting away from the point that I want to ask Mr, Forrest, and I want a direct answer; I want to know, now, how many do the practical work; I am talking about the absolute executive work, as far as the commissioners are concerned? A. There are only six. really; one absent in Europe, one resigned, and the mayor not to be counted; I think it is divided among the six.

Q. How many of those six do really work? A. They are all present except one; Mr. Schack is absent in the country, Mr. Quintard attends to the Ward's Island department, and Mr. Starr, Mr. Lynch and myself; we all find something to do.

Q. Don't Mr. Lynch, Mr. Starr, Mr. Maujer, and yourself do all the work? A. I should have mentioned Mr. Maujer.

Q. Don't you four men ordinarily do all the absolute work? A. No; because Mr. Schack went off on his summer tour; he pays more attention than any one of the commissioners.

Q. Does Mr. Quintard pay very much attention to this work? A. No, he does not; he says he gives it more time than he can afford.

Q. The mayor hardly does any thing? A. No, not at all; the mayor has been here oftener for his short term of office than Mr. Havemeyer was, in his long term.

Q. Do you not really think that if we could make this commission (giving way to your notion of nationalities being represented), of five three laymen, and these two gentlemen *ex officio*, and of the character of men who would be willing to work for the good of the public, without consideration, that it would be a vastly more effective commission than nine? A. The work would be equally as well done, but much would depend upon what you would call the executive officers.

Q. What I want to get at is this: now, you are one of a commission of nine; we will take you with all the anxiety and desire to do your utmost duty; don't you think that you would feel yourself bound to pay more attention to it, having taken upon yourself the responsibility of doing it when there were only five, and you one of those five, than when there were nine and you one of the nine? A. It would not apply to me; I have felt the responsibility and willingness ever since I came into the board.

Q. I am speaking of you; I will take you upon your general knowledge of human nature? A. I think that is a fair inference that it would.

Q. That the commission would be very much more effective? A. It might be made so if gentlemen would accept that responsibility.

Q. Would it not be more effective in the direction of economy for this reason; would you not combine more easily in reference to the selection of first-rate employees, for their qualities rather than for any other consideration, than you would if you had a mutual admiration society of nine, and each desirous of getting a particular appointee here; I am talking now about human nature, not about you? A. I say here that I think the executive officer of this institution should not be a politician; I would call him a drudge if he would accept of it, for it requires all the time of some one in this office.

Q. Let the politics be as it might of the commission, don't you believe that they would be more likely to look to the real necessities of the commission than to any politics, if there were five instead of nine? A. I can hardly answer that; it would be a mere matter of opinion.

Q. I want your opinion; it is a mere matter of opinion; I don't ask you to swear positively? A. It would depend upon who they were; if they accepted that responsibility, and were determined to give it that attention that it required.

Q. My proposition is based upon the point that in either case the gentlemen were willing to take this position for the honor of it, and were equally as competent in the one case with nine of them, as they were with five? A. I think that answers it.

Q. Then you think the five would be better? A. Yes, sir.

Q. I think it is due to you, and I think you ought to have a right to explain; we had a gentleman by the name of Mr. Casserly, on the carpet here the other day, examining him, and he took occasion to make some remarks in regard to an idea of personal hostility on your part to him, and that that was one of the causes; while he was ostensibly a democrat, that you, if you represented any political party in this establishment, went against him as a republican; now what is

there of that difficulty, so far as you undestand it, between you and Mr. Casserly? A. I think Mr. Casserly answered it himself; he said it was a personal matter, and I would say, sir, that he said it was personal, and it was made so by him, as I supposed, by his deportment, being discourteous to me in a former board.

Q. State all the circumstances and facts in connection with that, because I think it is due to you to do it? A. I don't care about it; I claimed that his deportment, in the presence of other commissioners, was discourteous to me.

Q. Allow me to ask you another question in connection therewith; was your antagonism to Mr. Casserly based upon the idea that he desired to be the commission, rather than the commission should act for itself? A. I was here during Mr. Casserly's administration, and I didn't see a great deal of Mr. Casserly; he had other matters to attend to; I don't think he spent a great deal of time in the commission, but I don't know that that was his fault; I may have called his attention to something; his deportment to me was more of the character as though he held a patent for running the institution.

Q. You thought Mr. Casserly desired to be the commission, rather than the commissioners should act for themselves? A. I didn't get such information from him, as I thought I was entitled to from time to time; I really think he answered it when he said he thought his deportment was discourteous to me; in the matter of the removal or superseding of Mr. Casserly, I was never asked to vote for him, and he certainly did not expect it; with the relations that existed between us at the time, he could not; but, I will say this, that I was very much surprised when a gentleman of the board urged the appointment of Mr. Casserly, or rather his retention, on the ground that he was a republican, and that he supported Mr. Lincoln; of course that did not change my views toward Mr. Casserly, but I was surprised at the declaration, made by the gentleman; Mr. Casserly did not expect my support.

Q. Were you pretty attentive upon your duties as a commissioner during the length of time that Mr. Casserly was in the board, and you were with him? A. Yes; I spent considerable time here.

Q. What amount of time did Mr. Casserly give to the duties as far as you could observe? A. I very often came here without finding Mr. Casserly here; he may have been here immediately after me, or immediately before me; I very often came here without finding him here.

Q. From any information you have had from inquiry, or otherwise, how much time did he devote? A. I could hardly tell you.

Q. Personal time? A. I could not even make it approximate, only

that I very often came here without finding him; but that was no cause of difference between him and myself.

Q. Was it his duty to be here all the time? A. I think it was necessary; I think it was necessary to have some one man here, and that is why I say it wants merely a drudge, some one who will take this office and be here early and late; he should have no political affiliations, or connection in any way.

Q. A man having no executive connection with political bodies? A. None at all.

Q. A man has a right to be a politician, so far as voting is concerned? A. Yes, sir; as a free man, he should have, as far as that.

Q. But he should not be a party leader, or a manager? A. I think not; he should leave politics until the time came for him to vote; that is my conviction in the business of this commission, where there is so much detail; the same thing, perhaps, to a greater extent, occurred with Mr. Webster when he came here; I would call his attention to five or ten or a dozen women outside there, who wanted some attention, some relief; in those days, we were running what we call outside relief; I would call his attention to it; I have spoken before the gentlemen of the commission, and told Mr. Webster that that was his business to attend to it; there are certain duties here which can only be done by a commissioner; a superintendent or secretary can not sign a requisition to the magistrate, in case of bastardy; it requires a commissioner here, or the party must be sent to him; therefore, it requires a commissioner to be on duty all the time, and as you will see from the report here of 1872 or 1873, there were nearly 400 children born upon Ward's Island; but there a great many cases that don't reach Ward's Island, where they are compromised or settled, commuted.

Q. Since the absence of Mr. Stephenson, from the board, has there been any want of harmony of action among the commissioners? A. Not that I am aware of at all; I think it has gone on perfectly harmonious and perhaps I should say here, that that proposition made by Mr. Stephenson, in February, for the dismissal of quite a number, that very few of those names had been parties recommended by him but at a later date, which was May, there was an equal number at least that were dismissed, but not the identical names suggested by Mr. Stephenson; my brother commissioner spoke of the matter of county bills that he had never seen them; I would like to state here, that on the 17th of July, that is two years ago, there was a meeting of commissioners, Maujer of the finance committee, Forrest, ex-commissioner Wallach, and the disputed bills of the county poor-house were taken up and disposed of; there was work for two days and the result was that the

bills were passed and ordered to be paid; that was the last that we paid the county; that was the audit of July, 1873.

Q. What commissioner was it that said he knew nothing about it? A. Mr. Stephenson; he was also on the finance committee; he had never seen any of the bills; from that time to this, all the county bills every one has been brought up and the clerk, Mr. Fitzpatrick, has not audited them, but he has examined and reported upon them; there was one county, for one month, Chautauqua, $501.69 which they claimed, and got $425; $352 for the next month and we admitted $250; they have been examined and ready for audit, but have no money, and being only compelled by the statute to pay them when in funds, we have not paid them, and they are just as open to Mr. Stephenson as they are to the committe; then there is another matter I would like to explain to the committee; in the report of the committee of commerce and navigation, connected with the interrogatories and answers thereto by the commissioners of emigration which were signed by me as president, it was done by the order of the board and not my individual responsibility; some of the questions were calculated to be answered without a long explanation but no answer was intended to be evasive; I want to make that personal explanation, and the record will show this, that there were two sets of interrogatories and there were two meetings, and they were handed to the secretary to make the necessary replies, and at the meeting of the board they were handed and discussed and amended.

"*March* 9, 1875.

"Special meeting of the board of commissioners of emigration, held at Castle Garden at 3:30 o'clock, P. M.

"Present — Commissioners Forrest (president), Hurlburt, Starr, Quintard, Schack, Stephenson, and Maujer.

"The president stated that the object of the meeting was in reference to a communication to the board, received from the committee on commerce and navigation of the assembly, asking replies to several questions submitted relative to the receipts and expenditures of the commission since its present organization in 1873, employment of officers, etc.

"The communication and the questions asked were then read and the replies thereto as prepared by the secretary, which, after amendment, were adopted.

"Commissioner Schack moved that the officers of the board be authorized to sign and transmit the report of the committee on commerce and navigation in reply to the questions submitted. Carried.

"Commissioner Forrest moved that the service of Mr. George Gardner, overseer of labor, be dispensed with on and after the 1st of January next.

"Commissioner Stephenson moved as an amendment that the subject be referred to the Castle Garden committee and report.

"The chairman put the question as to whether the board would agree to the amendment, and it was determined in the negative.

"The chairman then put the question on the motion of Commissioner Forrest, and it was determined, under the rules, in the affirmative. Ayes, 3; nays, 2. Commissioners Forrest, Quintard and Maujer voting in the affirmative, and Commissioners Stephenson and Starr in the negative.

"Commissioner Forrest moved that the service of Frank Rose, foreman of laborers, be dispensed with from and after the 1st of January next."

By Mr. VOSBURGH:

Q. Let me recite the fifth interrogatory and the answer thereto:

"Q. Did the commission, in December, 1873, or about that time abolish two bureaus at Castle Garden, having salaries attached to them of about $5,000, and still retain on the pay-roll all the officers, four in number, and pay them several weeks — some of them without any other position being assigned them or any particular service being done by them? A. The postal and forwarding bureau was abolished, but the officers connected with them were transferred to other bureaus; none were paid salaries without performing service in return."

Sixth interrogatory:

"Q. State the facts from the minutes of the board, as follows: the date of abolishing the said bureaus, the names of the officers there employed at the time and their salaries, the date of their assignment to other duties and at what salaries and to what positions; also the names of officers superseded and the length of time of service of such superseded officers? A. The postal bureau was abolished November 1, 1873, and the duties were transferred to the treasurer's office; the officers employed in the postal bureau were Henry Merritt, at a salary of $1,250 per annum, and J. H. Brandt, at a salary of $1,000 per annum; Mr. Merritt was, by resolution of the board, adopted the 28th of October, 1873, appointed clerk in the treasurer's office, from November 1, 1873, at a salary of $1,000 per annum, to perform the same duties as heretofore, but under the direction of the treasurer; he did not supersede any officer; Mr. Merritt's services were dispensed with on the 1st of May, 1874; Mr. Brandt left the service of the commission November 1, 1873, but was reappointed as clerk in the treasurer's office December 1, 1873,

to perform the same duties as when in the postal bureau, at a salary of $1,000 per annum; he did not supersede any officer; Mr. Brandt's services were dispensed with on the 1st of May, 1874; the forwarding bureau was abolished by the board December 1, 1873, with instructions to the Castle Garden committee to carry the resolution into effect; the officers employed were George Gardner, at a salary of $1,800 per annum, and Henry Layman, at a salary of $1,000 per annum; Mr. Gardner was, by the superintendent, assigned December 1, 1873, to duty, preparing from the records of the commission the rules governing the board, and also aiding in the preparation of the annual report to the legislature; Mr. Gardner was, on March 17, 1874, appointed chief clerk to the Ward's Island bureau at a salary of $1,500 per annum, in place of Richard Von Poser removed, whose term of service was 5½ years; Mr. Von Poser was re-appointed April 28, 1874; Mr. Gardner was transferred to other duties, and his services were finally dispensed with February 1, 1875."

Q. Mr. Gardner was kept in office here from the 1st of December, 1873, at a salary of $1,800 a year, or $150 a month, until the 17th of March, 1874, for the purpose of preparing the records of the commission or the rules of governing the board and also aiding in the production of the annual report; now my notion of that whole thing was, that he was kept there for some specific purpose outside of that, from the fact that the annual report of the commissioners of emigration was rendered to the legislature on the 17th of January? A. I can answer this; there was an effort made quite early to dispose of the services of Mr. Gardner, and the abolishing of the bureau was what I supposed would carry it out.

Q. Then Mr. Von Poser was appointed from the 28th, and Mr. Gardner was transferred to other duties, and his services were finally disposed of; what other duties was Mr. Gardner transferred to? A. I never considered Mr. Gardner a useful man, and I took an early opportunity in trying to dispose of his services, as the record will show; I was told by the commsssioners that he was purely a political appointment.

Q. He was kept in position here from April 28, 1874, until the 1st of February, 1875, with nothing particular to do only to draw his his salary, which was $500 a year? A. I didn't consider him of any service to the commission at any time; and I have no hesitation in saying that I said so to a commissioner, and he said it was a purely political appointment, and the minutes will show the efforts that were made to relieve the commission of Mr. Gardner; the by-laws require four affirmative votes, and the records will show that some time previously there

were three votes, five present, three for dismissal, and two for retention.

Q. Mr. John Coonan, chief clerk in the landing bureau of Castle Garden; were there ever any complaints made to you against him by the agents of the New York Central R. R. for taking commission from the emigrants? A. Never, to my knowledge; I never heard any complaint against Mr. Coonan; not to me, nor to my knowledge.

Q. It never came to your knowledge that there were any complaints made against Mr. Coonan for receiving commission? A. No, sir; I have no recollection of any thing of the kind; I could say so far as appointments were made, I think, there were more appointments made on personal grounds than there were on political grounds with this last commission.

By Mr. ALVORD:

Q. How is it with Gardner? A. I was told by the commissioners that that was purely political; but I considered in the organization of this commission, Mr. Hulburt, the president—that this slice was a counsel to the commission; I think it was more personal than political.

Q. Who was the counsel? A. General Hillyer was superseded, but the counsel who was elected at that time was Mr. Scott, the son-in-law of the president; he was made counsel at the first meeting of the board; I think that was the first slice, and that was personal.

Q. Mr. Gardner you found here? A. Oh, no; he was brought here under the new board, and this is the new board that I am speaking of now.

Q. Who was the appointee? A. I don't recollect.

Adjourned to August 20th, at 10.30.

NEW YORK, *August* 20, 1875.

The committee met at 10 A. M. pursuant to adjournment.

Present—Hon. Geo. W. Schuyler, chairman *pro tem.*, and Messrs. Alvord, Gedney, Vosburgh and Waehner.

Abraham Clearman, being duly sworn, testifies as follows:

By Mr. WAEHNER:

Q. You are at present connected with the commissioners of emigration, are you not? A. Yes, sir.

Q. In what capacity? A. Captain of the night-watch.

Q. In that capacity — how long have you acted? A. Two years last July.

Q. Will you detail to the committee what the duties of your office are? A. It is to take charge of the emigrants; to see that they are properly taken care of and protect them from being robbed, etc.

Q. I think that one of the witnesses before the committee testified that you had taken in persons from the battery, who were not emigrants, and given them shelter here during the night, is that so or not? A. Not to my recollection, sir.

Mr. ALVORD — The general allegation was that the night watchman was in the habit of permitting anybody who was lying around loose on the battery, to come in here and have protection in Castle Garden during the night, without reference to the fact whether they were or were not emigrants.

By Mr. WAEHNER:

Q. You distinctly say, Mr. Clearman, that that is not so, do you? A. Yes, sir, that is not so; we question everybody that comes to these gates and ask them where they came from and how long they have been in the country, before they can get inside of this place, and nobody is allowed in here unless they represent themselves as emigrants.

Q. You receive a salary here, do you not? A. Yes, sir.

Q. Are you acquainted with anybody by the name of Bernard Biglin? A. Only by sight, sir; I know him when I see him.

Q. Last fall was there any application made by any person to you for a contribution for any political purpose? A. There was a gentleman called on me and told me I could give what I was a mind to.

Q. What was the object for which he asked this contribution? A. It was to support Mr. Biglin in his election.

Q. Who was the gentleman that came to you? A. That I can't tell you; I forget who it was.

Q. Was it Mr. Walter H. Smith? A. I think it was Mr. Smith.

Q. Did you contribute any thing? A. I gave $5 toward it.

Q. Do you know whether any of the other employees of the commission contributed in any way toward the support of Mr. Biglin, or have you heard that they did? A. I saw a list in his hands but I didn't read it; he said there was a list and showed it to me, but I didn't take any notice of it; I saw there was a number of names there but I didn't read it.

Q. Have you at any other time since you have been employed by the commission, been called upon to contribute any thing for political purposes? A. Not in this commission, sir; I have been in a commission 21 years, where I have been called on every year.

Q. This was the only time during the existence of this commission? A. Yes, sir.

Q. Do you say that you have been connected with this commission 21 years? A. No, sir; two years, I have been with a commission, where they taxed me every year.

Q. I am not asking about that; how long, in case you take in a person who makes application — how long do you keep them here in the garden? A. We keep them here over night, and we turn them over to the day men in the day-time, if they don't go out before; some of them stay here just over night, and go away before the night watchman leaves in the morning; sometimes we take them in, and they stay here, maybe, three or four days, looking for another place, and go to the labor bureau.

Q. Did any member of the commission speak to you in relation to this contribution or political assessment last fall? A. No, sir.

Q. Did Mr. Smith say any thing to you that he had been authorized by one of the commissioners, or by the commissioners, to ask this contribution from the employees of the board? A. He did not, sir; I think he told me he was doing it on his own hook; I think that is the remark he made.

Q. Did you receive any intimation from any of the commissioners that you should pay? A. No, sir; I never heard a commissioner speak about it.

Q. How many men do you accommodate on an average here at night? A. We have from 600 down to about 100 men and women, sometimes more and sometimes less.

By Mr. VOSBURGH:

Q. What is it during the summer months; you don't mean to say that it runs from 600 to 100 every night, the year around? A. No, sir.

Q. When do you have that large number of persons here. A. We have them mostly in the summer time.

Q. Mostly in the summer you have them here? A. Yes, sir; sometimes there will come a load of passengers and it is too late to go off on the railroad, and they pretty much all stay in the building.

By Mr. WAEHNER:

Q. In the course of the discharge of your duties have you observed whether these men that make application here at the garden for admission at night, are persons that make it a practice for years to continue that? A. Yes, sir; I make it a practice of looking, and those that stay here any time at all, I tell them they must find some other place to stay.

Q. Are they, as a general thing, men who make a practice of coming here one year after another and staying here along? A. That I couldn't tell you about — staying here for a long time, as long as I have been here; in the winter time we generally have from 200 to 300 of a night.

Q. Did you at any time say to Commissioner Stephenson that these Battery emigrants had been here for eight years and were taken charge of here nightly? A. No, sir; I don't think I did.

Q. As far as the board is concerned here do you know any thing about that — that is furnished to them? A. No.

Q. Do you know, of your own knowledge, whether the commissioners of emigration at any time supported any persons who were not by law entitled to be supported? A. I do not, sir.

Q. Did you at any time tell Mr. Stephenson that the commissioners of emigration supported persons who were not entitled to be supported by law? A. I did not, sir.

[Mr. Waehner reads the testimony of Mr. Stephenson from page 145].

Q. Is that true? A. I never told Mr. Stephenson any such thing.

By Mr. ALVORD:

Q. How many of the night-watch are there? A. There are three night watchmen now, sir.

Q. And you as the captain? A. Yes, sir.

Q. Are those three necessary for the purpose? A. I don't think they are, sir.

Q. They are not necessary? A. There isn't enough of them.

Q. I asked you whether they were necessary; do you think that three are as small a number as you can get along with? A. They are a smaller number than you can get along with; they are here from six o'clock at night until seven o'clock in the morning — 13 hours — and there is one position where there ought to be two men; there are emigrants who send to their friends to come for them, and a man has to leave that gate and come inside and look for their friends, and in doing that he leaves that gate exposed, and there is nobody there until nine o'clock at night.

By Mr. VOSBURGH:

Q. Where are the balance of the watchmen? A. In the building.

Q. You take an ordinary policeman and his beat is 10 times the size of Castle Garden? A That may be, sir.

By Mr. WAEHNER:

Q. How long since you have reduced the force to three besides yourself as captain? A. Three months ago, sir.

Q. What was the force at the time of the reduction? A. Four.

Q. Do you conceive the reduction of the force to be in the interest of the commission or from the necessities of the commission? A. It may be in the interest of the commission now, with what passengers we have.

Q. Are three sufficient, with what passengers you now have? A. Yes, sir; we could get along with three now.

Q. What is the pay of these night watchmen? A. $75 a month, I think it is, or 70.

Q. What is your pay? A. $80.

Q. What is the average of the night people here now? A. I suppose they will average from 150 to 200.

Q. How largely are they composed of emigrants who have not yet got a situation, but are recently arrived, as compared with those who have been here some time, and who come here because they have no other place to go to; what is the difference — how many of the 150 are the recent emigrants who have not yet got any place, and how many of them are of those emigrants who have been here some time, and who have simply come here because they have lost a place, and have no other place to go to? A. We don't have, on an average, those that have not any place, over 25 a night.

Q. In reference to these parties that you admit here to be taken care of during the night, what means have you of knowing the fact that they are entitled to the admission? A. Only by their own statement

Q. By their own statement? A. That is all, sir.

Q. Don't you make any reference to any of the officers here, to find out whether their statement is correct or not? A. No, sir; they find that out in the morning.

Q. Then finding it out in the morning, do they give you an intimation in regard to them, so that the next night, if they are not entitled to come in here, you exclude them? A. No, sir; I never had such a case as that yet.

Q. Then what means have you of knowing whether these representations are right or wrong? A. No means at all — only to take their statement for it.

Q. Do you undertake to scan their statements so as to reject applications for admission at times? A. Sometimes, sir; sometimes they come here — men that land in Boston — and we don't take them.

Q. You don't reject any emigrant if he says he landed in New York? A. Not in the season of the year to take them; we open a lodging-house here when cold weather sets in; the idle fellows that won't work will go down in the labor bureau, and will want $30 or $40 a month, they tell me, and they will tell others not to go to work unless they get so much wages; and those fellows we drive away.

Q. What is your opinion of the percentage of those who are really not entitled to admission here whom you do admit? A. I do not admit anybody that is not entitled that I know of.

Q. But how many really do come it over you, and get in here without your knowledge? A. There may be two or three of a night.

Q. Then the percentage would not be over three to five per cent? A. No, sir.

Q. Do you know any thing aboat what is done further, beyond the simple protection for the night to them here? A. No, sir.

Q. You know nothing about their being fed? A. No, sir.

Q. You mentioned the fact that you were called upon to contribute something toward helping the election of Mr. Biglin as a member of the assembly? A. Yes, sir.

Q. And you think the gentleman who asked you thus to do was a gentleman by the name of Smith? A. Yes, sir.

Q. Did he distinctly say to you that it was a voluntary matter upon your part? A. No, sir.

Q. What did he say? A. He told me I could contribute what I pleased.

Q. I say a voluntary contribution on your part? A. Yes, sir; voluntary.

Q. That it had no sort of reference to your position here? A. Not at all, sir.

Q. And it would not affect your position any? A. Not at all.

Q. He asked you simply, then, as a partizan — I take it you are a republican? A. Yes, sir; I am a republican.

Q. As a partizan contribution to the election of Mr. Biglin, who was somewhat connected with the institution? A. Yes, sir.

Q. He didn't undertake to say to you in any way that you were compelled to do it at the expense, if you refused to, of your position and situation. A. Not at all, sir.

Q. And didn't convey to you the idea that any commissioner had instructed him or given him permission thus to ask you to do? A. He did not, sir.

Q. My friend Mr. Wachner, stopped a little short in regard to other commissions; what other commissions have you been with? A. I have been on the commission of public charities.

Q. Is that the place where you were most of the time before coming here. A. I was there for 21 years.

Q. Immediately preceding your employment here? A. Yes, sir.

A. In what capacity? A. Deputy keeper.

Q. Were you there indiscriminately, both under democratic and republican auspices? A. Generally half and half.

Q. Were you called upon to contribute there? A. I was sir.

Q. To contribute to the success of which party. A. I always contributed to the republican party; the democrats generally collected from their part of the people, and the republicans collected from their part.

Q. Were you compelled to contribute there? A. Well, it was a tax put on to us.

Q. And a tax put on indiscriminately in this commission — a tax put on by this hybrid commission which was non-partizan — upon that portion of them that belonged to the democratic party, by the democratic party, and that portion that belonged to the republican party, by the republican party? A. Yes, sir.

Q. And was the tax under that regime and under that management a tax upon the payment of which depended your continuance in office? A. That I couldn't tell; only they would say the tax was so much, this year.

Q. The tax was so much? A. Yes, sir.

Q. And you were compelled, or at least you considered that you were compelled —

Mr. WAEHNER — What have we to do with commissions outside of this commission?

Mr. ALVORD — If you undertake to show that there was was got money here for political purposes, I propose to show just simply what the habit and practice has been here for years.; if you gentlemen of the majority refuse to have me ask my question, I want to put it down in writing.

Mr. VOSBURGH — I propose, if it is not any thing pertaining to the commission of emigration, to rule it out.

Mr. ALVORD — Rule it out; I desire to ask this question, and if you gentlemen desire to rule it out, take the responsibility, rule it out; that is all.

The CHAIRMAN *pro tem.* — I suppose the responsibility will not be very great; I suppose we are here to investigate the commission of emigration.

Mr. ALVORD — I understand what we are here for just as well as you do; I propose to ask this question.

The CHAIRMAN *pro tem.* — State your question.

Mr. ALVORD — The question is in reference to the commissions which this gentlemen has worked under before, what the system and the rule has been in regard to political subscriptions.

Mr. VOSBURGH — What commissions?

Mr. ALVORD — He said he was in the commission of charities and correction for 21 years before he was here, and he has answered, and we have got that down, unless you scratch it out.

Mr. VOSBURGH — I move to rule that question out; it is perfectly irrelevant to this commission.

The CHAIRMAN *pro tem.*—Your motion is to strike out of the testimony that which pertains to other commissions?

Mr. VOSBURGH — Yes, sir.

Mr. ALVORD — Enough said, gentlemen; I am very happy to have you take the position.

The CHAIRMAN *pro tem.*— It is decided that those questions are irrelevant and should not appear in the testimony; the chairman will say that Governor Alvord is at perfect liberty to ask any question pertaining to this investigation of the commissioners of emigration; he does not feel that any member of the committee is at liberty to investigate the affairs of other commissions or other boards.

Adjourned to August 23d, 10:30 A. M.

NEW YORK, *August* 23, 1875.

The committee met pursuant to adjournment.

Present — Hon. George W. Schuyler, chairman *pro tem.*; Messrs. Alvord, Gedney, Waehner and Vosburgh.

James W. Husted, recalled.

By Mr. WAEHNER:

Q. In the course of the examination of a Mr. Nolan, as you are no doubt aware, there were certain questions put to him in relation to the distribution of certain moneys which he collected from the steamship companies for the purpose of passing a certain bill in the legislature; the question was put to Mr. Nolan by one of the members of the committee, whether or not any share of this money had been paid by him to you; which question he declined to answer; the committee have, therefore, thought it their duty to recall you, and to get your testimony upon that subject, and I now ask you the question whether or not Mr. Nolan paid to you, or loaned to you, in consideration of your services or in consideration of any action on your part, either as a member of the commission of emigration or as a member of the legislature, any money in relation to this act of 1871? A. To that I emphatically answer no, and refer you to the testimony that I gave before, wherein I said that I was not aware — I think I used that language — I was not aware of a dollar being paid to any person for the passage of that bill.

Q. I think in your former testimony you said that you had had no

conversation with Michael Nolan in 1871, in relation to this bill? A. Not a word.

Q. Will you again state what your recollection of the matter is as to the introduction of that bill, and as to its passage in the house? A. I received — I cannot say exactly on what day — a resolution by mail sent to me by the commissioners of emigration, stating that they had passed a resolution requesting the legislature to reduce the money from $2.50 to $1.50; I went right over to Mr. Frear, who was also a commissioner of emigration, and who was a member of the legislature, and says I "Frear what does this mean?" said he "I have got one just like it, and got a bill;" said I "are you going to introduce it?" said he "yes;" nothing more was said; two or three days after that, Mr. O'Gorman came to Albany, and some other member of the commission came with him; I took this resolution to Mr. O'Gorman, and said I "Mr. O'Gorman, I have received this resolution;" said he "yes; we have determined to reduce the head-money, and we are come here to get also $250,000" (I think he said), "that the state owes the commission;" and nothing further transpired between me and any other member of the legislature, or any other person, until about a week after that I received a letter myself, signed, I think, by Mr. Lynch and Mr. Schack, the presidents of the two societies; a personal letter to me, in which they advised against a reduction of the head-money; no other person ever conversed with me, nor I with anybody else; I never heard any thing more about the bill until it was introduced and passed; it was introduced and passed, I think, the same night; that is my impression; I think it was introduced by Mr. Frear, and I think Mr. Burns asked its passage; I have not looked at the journal but that is my impression.

Q. Before the meeting of the legislature in 1871, did you have any conversation with any of the agents of the steamship companies in relation to the reduction of the head-money? A. I never had a conversation with one in my life; I don't know any of them; I have not a personal acquaintance with a single one of them.

Q. When did you first form the acquaintance of Michael Nolan, if you know him now? A. I became acquainted with Michael Nolan in the year 1865 or 1866, and I am not certain which.

Q. Were you aware in 1870 that Michael Nolan was connected in business with Patrick H. Jones? A. Only the firm name — Wilson & Jones, I think it was; Wilson, Jones & Nolan, or Palmer, Jones & Nolan; it was Palmer, Jones & Nolan; the day after Mr. Jones was appointed postmaster — Jones and myself had been intimate friends a great many years — the day after he was appointed postmaster I called upon him, and we went over into his office in Nassau street, nearly opposite the post-office, and Nolan was there at the time, and that was

the first time that I knew Jones and Nolan had any business connection; and then they dissolved partnership when he went into the post-office.

Q. Did General Jones, at any time, have any conversation with you in relation to the reduction of head-money? A. Not until within the last four or five weeks.

Q. Will you state what that conversation was? A. He asked me if I had seen Nolan's testimony; I told him I had; he asked me what I thought about it; I told him I thought Mr. Nolan ought to have said by me what he did by Mr. O'Gorman; I told him I thought he ought to have said the same thing by General Merritt.

Q. Was that all that was said between you and General Jones? A. That was all that transpired upon that.

Q. Did you, at any time, attend any of the meetings of the commissioners of emigration, when the question of the reduction of the head-money was broached? A. I did not; I was in Albany at the time.

Q. You were a commissioner during the year 1870? A. I was made a commissioner in the spring of 1870, and I resigned on the 31st day of December, 1871.

Q. Do you recollect the passage of any resolution by the commissioners of emigration, looking toward the appointment or providing for the appointment of a committee, to consult with the steamship companies in relation to the possibility of reducing head-money? A. It was all done while I was in Albany.

Q. Do you recollect any resolution being passed in the year 1870, which was in substance that the commission of emigration would endeavor to reduce their expenses so as to run the commission at $1.50? A. I have an indefinite recollection of that, but I don't think I was present at the meeting when it was done; in fact, I know I was not; I am quite sure of it; I would not swear positively as to that, but my impression is I was not present; the record will show; I never heard any thing about the head-money reduction until I received this resolution from the board.

Q. Do you know what proceedings were had in the senate in relation to the passage of that bill? A. I do not; I never paid the slightest attention to that bill; in fact, I don't think I knew when the bill passed the assembly; I have a very faint recollection of it, but I would not swear positively that I was there; I know nothing about what the senate did; I would not swear whether I voted for the bill or not; it was toward the last of the session, and you know a man don't know what he votes for always, though I naturally should have voted for it.

Q. After you received these personal letters? A. Only one letter.

Q. One letter? A. Signed by both of these gentlemen.

Q. Did you have any conversation with any of the other members of the commission beside Mr. O'Gorman in relation to this head-money? A. I did not.

Q. Did you inform Mr. Frear of the fact that you had received it? A. I took the letter and showed it to him; yes, I showed Mr. Frear the letter instantly.

Q. What did Mr. Frear say in relation to that letter? A. I don't remember; I don't think he made any remark.

Q. Are you quite sure that you received that resolution, and that at the time when you showed the resolution to Mr. Frear he had already a bill prepared in relation to that matter? A. He said this: "I have got one just like it, and they have sent me a bill;" I supposed from that that the bill had been prepared here by the commission.

Q. Did Mr. Frear, at any time, tell you that he had received this bill from Mr. Nolan? A. He did not.

Q. Did Mr. Frear, at any time, mention the name of Mr. Nolan to you in connection with this transaction? A. Never; I don't think I ever heard him mention Nolan's name in any way.

Q. Did you at any time, during the year 1870, 1871 or 1872, have any business transactions with General Jones? A. I never had any business transactions with General Jones in my life that I remember, unless they were political, if you call that business; I had several of those.

Q. Did you have information at all at the time that this bill was pending in the legislature, or before its introduction, as to the arrangement that the steamship companies had made with Mr. Nolan. A. I did not; I never heard of it until 1872; I heard of it when the investigation was held here by the committee on commerce and navigation; I think that was in 1872.

By Mr. ALVORD:

Q. Have you any recollection of seeing Nolan in 1871? A. I don't think I saw Nolan in 1871 at all in Albany; I would not swear as to that; I may have seen him; I had no conversation with him.

Q. Mr. Nolan is a little mixed in his testimony; at one stage of his testimony he swears to the fact that he did not talk with you at all; at another stage of his testimony he seems to be inclined to think that he might have talked with you upon this subject of head-money. A. No, sir; he did not.

Q. You are positive in regard to the fact that he never talked with you on the subject of head-money? A. I am; the only persons that ever spoke to me about it were Mr. O'Gorman and Mr. Frear; and Mr. Lynch and Mr. Schack — I think it was Mr. Schack — through their letter to me.

Q. Do you recollect whether the bill had passed the house at the time you got the letter from Lynch and Schack? A. Oh, no; the letter came within a week after the resolution came.

Q. Then Frear held on to the bill, did he, for some little time? A Oh, the bill must have been sent there in the month of February, I think; I saw in the papers the passage of the resolution; the resolution came to me by mail, I think, the very next day, so it must have been sent up within two or three days after it was passed; now, that will tell you just how long the bill was there.

Q. I don't care whether the bill was there or not; it was introduced by Mr. Frear, and passed unanimously within two minutes on the 6th of April; but you have not the remotest recollection of having seen Nolan in Albany, or at least not at all in connection with this matter? A. The only time that I remember ever seeing Nolan in Albany, was when he was up there trying to pass a bill in relation to the immigrant runners; that I think was in 1870.

Q. The year before? A. Yes; he was there again in 1872 or 1873, my recollection is; but I don't recollect seeing him there in 1871; I may have seen him possibly; I don't remember.

Q. And you say that you never, in connection with your position in this board, as a member of the board, was officially brought into connection with any question in reference to head-money? A. Never; the records of the board will show that; Mr. Isaac Bell was the great advocate for the reduction of head-money, I think; that is my impression; my impression is that he was the father of it; he naturally would be — a steamship man.

Q. You were a member in 1869, were you not? A. Of the legislature?

Q. Yes. A. Yes, sir.

Q. And a member again in 1870? A. Yes, sir.

Q. Do you recollect what was the proceeding in reference to the bill in regard to these ticket swindlers? A. I remember we voted for the bill.

Q. I recollect that very well; but do you recollect what committee it went to? A. I am under the impression it went to the judiciary committee.

Q. Do you recollect whether there was any argument on it? A. That I don't know; I was a member of the judiciary committee in 1871, not in 1870.

Q. Do you recollect where the meetings of the judiciary committee were held in 1870? A. I know where they were held in 1871.

Q. So do I. A. No, I do not know where they were held in 1870, because I was not on the committee; I rather think they were held in the judiciary room.

Q. Don't you recollect distinctly that they were? A. That is my impression — my strong impression — that they were held in the judiciary room in the new capitol; I think so; I know it created quite a surprise in 1871, when they received the announcement that the judiciary committee would meet at a private house; it was something unusual.

Q. Where did the chairman of the committee on judiciary room in 1870? A. I know where he roomed in 1871 and 1872.

Q. In 1871 in High street? A. In 1872 he roomed at the Delevan House; I think he roomed at the Delavan House in 1870.

Q. Didn't he have a companion in his room? A. I declare I didn't go into his room that whole winter, and so I don't know.

Q. Have you any recollection or knowledge of the fact that there was any meeting of the judiciary committee held in his room at the Delavan House in 1870? A. I don't know any thing about it.

Q. And your impression is it was held that year in the judiciary room? A. I think that was the meeting room, in the capitol; whether he held meetings at his house I couldn't say.

Q. He stopped at the Delavan House in 1870? A. I didn't stop there.

Q. I was a member of the committee; Mr. Nolan swears he appeared before the committee at the Delavan House in 1870; I am perfectly positive that he is entirely mistaken; I never attended any meeting in the room of Mr. Fields, in 1870, at the Delavan House, in which he or anybody else brought on any subject which gave rise to any discussion; have you read Mr. Nolan's testimony? A. Yes, sir; as it appeared in the newspapers; I suppose not very perfect there.

Q. To draw it very mild — are you perfectly satisfied that he is entirely mistaken in his recollection in regard to 1871 — draw it mild? A. Well, governor, that is an expression of opinion.

Q. That we permit here; if we don't permit something else? A. Of course I would not give my opinion against a man's affidavit — absolute affidavit — that he was at a certain place; I would not give my affidavit that he was not there, unless I knew he was not there.

Q. He has acknowledged the fact that he was not at the Delavan House? A. But as to appearing before the judiciary committee in 1870 — I don't know whether he did or not — I couldn't say.

Q. You are perfectly satisfied, from your recollection and from the testimony here, that you did not see him before any committee in 1871? A. Oh, yes; there is no question about that.

Q. Either in the senate or in the assembly? A. Well, he might have appeared before some committee there, and I not know any thing about it; on the question of head-mony he did not appear before any committee in 1871, because the bill did not go before a committee.

Q. Well, General Husted, are you perfectly satisfied that so far as legislative action was concerned in reference to the passage of the bill through the house in 1871 reducing head-money, that it was simply and purely based upon the wish of the commission of emigration and required no other extraordinary exertions to pass it? A. I am satisfied of this — that if Mr. Nolan had never gone to Albany —

Q. I don't think he ever went; go on? A. That if the agent of the shipping merchants had never gone to Albany, the fact of the passage of that resolution by the board of commissioners, asking the legislature to pass that law, coupled with the further fact that nobody went there to oppose the bill — I say I am satisfied that that bill would have passed unanimously, the same as it did pass; now you see, the bill was introduced by Mr. Frear; Denis Burns we all know very well, and Denis' great hobby in the legislature has always been to take care of the poor man and especially to take care of the immigrants; that has always been his great theory, and he is just the man to get up and say, "This is for the immigrants, boys, let this go through;" he would pass a bill of that kind in two minutes, and nobody would stand in his way, and especially, as I say, having the indorsement of the board of commissioners; these two gentlemen who wrote to me, not opposing it, but rather suggesting that it might not be a wise thing to have it, they never did any thing further; they never came to Albany about it; my honest conviction is that that bill passed through that legislature without any extraneous cause whatever to secure its passage; because it never could have passed by unanimous consent if it had extraneous influence—we all know that; we have all been in Albany and know enough to know that if there was any intimation that there was money there to pass that bill, there would have been plenty of them hunting for it.

Q. Wouldn't there have been some men there that if they knew there was money there, they would have gone against it? A. Yes, sir.

Q. Not to get any of the money themselves, but simply upon the ground that they would not pass a bill when money was paid for it? A. Yes, sir; I have known a bill to get six votes in the morning, and 80 votes against it, and the same bill to get 80 in the afternoon for it, and six against it; I don't know how it was done.

Q. Haven't you seen the reverse of that? A. Yes, sir; I have seen it just the other way; I have seen a bill passed by nearly unanimous consent, and when they found out what the trouble was, I have seen them move a reconsideration of it within 24 hours.

Q. Do you recollect a celebrated bill, giving to a health officer of the State of New York — I believe it comes within the limit of our resolu-

tion proper — which received a vote of 90 to about 20, on one day? A. Yes; governor, I know about that.

Q. And defeated by 100 to 8, the next day? A. Well, I never thought there was any money there to pass it, did you?

Q. There might have been a contingent remainder? A. That I don't know any thing about.

Q. Do you know the fact? A. Well, the gentleman who advocated that bill, I always thought did it out of love and affection.

Q. So did I? A. I think it is was pure love and affection.

Q. I have nothing to say against it; I wanted to know of you whether there was not a sort of understanding, whether there might be a division of spoils in that $90,000 appropriation, and whether you don't think that that had very largely to do with the absolute reversal of that vote the next day? A. Well, governor, I think you had more to do with its reversal than anybody else.

Q. Well, I am not going to lay open to these fellows the secrets of my bedside before I get up the next morning? A. I think the legislature was persuaded it would be a very unjust bill to pass; how they were persuaded, I cannot say; they evidently were persuaded; of course there is a little money goes to Albany almost every year, but I don't believe that 10 per cent of the money goes to Albany, that Albany is credited with.

Q. It stops somewhere? A. Well, if a man is worth $50,000, he is always marked down as being worth a quarter of a million, you know that; if $5,000 was taken to Albany, it would be said that it was $500,000, right off; I think there was more money spent in Albany in 1868, than there has been spent there for 30 years, altogether.

By Mr. WAEHNER:

Q. In 1872 you recollect the introduction of a bill in the legislature — you were in the legislature in 1872? A. Yes, sir.

Q. Do you recollect any thing of a bill being introduced by Mr. Mackay, from the city of New York, providing for an increase of head-money? A. Yes, sir.

Q. Do you know what steps were taken in relation to that? A. That went to the committee on commerce and navigation, and never was reported from that committee.

Q. The testimony thus far has been that it was reported, and reported adversely? A. I say it was not reported favorably; Biglin tried to pass that bill through, I remember that very distinctly, because he came and talked to me about it; he was on that committee wasn't he?

Q. No, not in 1872. A. Oh, Mackay is the man I mean — George Mackay; George Mackay introduced the bill himself, didn't he?

Q. Yes. A. Yes, sir; George Mackay talked to me about that bill, but the bill was squelched in the committee on commerce and navigation; that is, it was adversely reported.

Q. You were not on that committee? A. No.

Q. You, of course, don't know what steps were taken before that committee to secure its passage? A. I have not the slightest recollection; I know Mackay was quite indignant because it was not reported.

Q. Did you see Mr. Nolan in Albany during the year 1872? A. I saw him in Albany during the year 1872 or 1873; I am not certain which.

Q. Did you have any conversation with him in relation to that bill? A. I did not.

Q. Or in relation to the report of the committee? A. No; I simply met him there one day, and passed the time of day.

Q. Had no further conversation with him? A. No, sir.

Q. You were a member of the legislature in 1874, and there was a similar bill introduced providing for an increase of head-money? A. Last year.

Q. Last year — you were speaker of the house? A. By whom was it introduced; I don't recall it to my mind?

Q. You recollect by whom the bill was introduced, which you have mentioned? A. When I spoke of Biglin — that is the time I allude to; Biglin tried to get a bill through; Mr. Forrest was up there, I think.

Q. There was a joint meeting of both committees in relation to that bill? A. I recollect about that.

Q. Did you hear any rumors in Albany that there was a large sum of money — $40,000 — expended in Albany last year — 1874 — to defeat that bill? A. I did not; I don't believe there were $40,000 spent there; for the boys, they said, went away very poor in the spring; I think there was very little money spent in Albany in 1874 or 1875 — very little, indeed; or 1873 or 1872; in 1871 and 1870 it was not necessary to spend any money, because all they had to do was to tap the drum, and everybody had to pass up and vote, whether they wanted to or not.

Q. Well organized? A. Yes, sir; it was a reign of terror.

By Mr. ALVORD:

Q. Did we? A. Well, governor, I don't know whether I would excuse you and myself in 1870; I always thought both you and I made a mistake in voting for that charter.

Q. Of course we did; but I got a *quid pro quo?* A. Did you; well, I didn't.

Q. They let alone the canal department? A. It was a political deal; but I thought they got the best of it.

[The witness, after leaving the stand, returned and made the following statement:]

The WITNESS — In my testimony I stated, I think, that I had never been present at a meeting of the commissioners of emigration when the question of head-money was brought up; you recollect I spoke about Isaac Bell having been greatly interested in it; since I went into the other room, talking with Mr. Forrest, I call to mind the fact, now, that before I had been a member of this board two weeks — I guess the first meeting we ever held — Mr. Bell spoke about it then; I thought it was simply a suggestion; Mr. Forrest says it appears on the minutes; Mr. Bell thought $1.50 was sufficient, because he thought we could reduce expenses — and so we could — no doubt about that.

Mr. Bernard Casserly furnished, at the request of the chairman, a statement, which was put in evidence and marked "Exhibit No. 1, August 23, 1875, F. M. A."

EXHIBIT No. 1 OF AUGUST 23, 1875.—F. M. A.

Table showing the names and salaries of officers and employees composing the staff at Castle Garden under the former and present boards, with the number of changes made by the present board between June 1, 1873, and January 1, 1874, together with arrival of emigrants during the year 1872, the former board being in office, in the year 1873 the present board being in office.

POSITION.	Under former board.	Salary.	Under present board.	Salary.	
Superintendent	Bernard Casserly	$6,000 00	E. D. Webster	$6,000 00	
Treasurer	N. H. Jackson	4,000 00	Garrett Bergen	4,000 00	
Clerk, financial bureau	N. Fitzpatrick	1,500 00	N. Fitzpatrick	1,500 00	
Clerk, financial bureau	John P. Lynch	800 00	Charles Dolan	800 00	
Deputy superintendent	S. Cantador	3,500 00	S. Cantador	3,000 00	Disch'd April 1, 1874.
Chief clerk	H. D. Glynn	2,250 00	H. D. Glynn	2,000 00	
Linguist	H. O. True	1,200 00	P. J. McPherson	1,200 00	
Journal clerk	John A. DeGraw	720 00	John A. DeGraw	720 00	Disch'd April 1, 1874.
Visiting clerk	Jas. Shanahan, deceased.	1,200 00	Thomas Hastings	1,200 00	
Janitor	Thomas Ievers	720 00	Thomas Ievers	720 00	
Messenger	A. Phelan	600 00	William Moger	600 00	
Correspondence clerk	H. I. Jackson	1,500 00	H. I. Jackson	2,500 00	
Chief clerk, landing bureau	John Coonan	1,800 00	John Coonan	1,800 00	
Registry clerk	Charles Kruger	1,300 00	Charles Kruger	1,300 00	
Interpreter	C. Peterson	1,200 00	C. Peterson	1,200 00	
Registry clerk	Thomas McQuade	1,200 00	Thomas McQuade	1,200 00	
Registry clerk	John J. Ruete	1,200 00	John J. Ruete	1,200 00	
Registry clerk	Benjamin Levy	1,200 00	Benjamin Levy	1,200 00	McDonnell was subsequently made clerk of the Irish emigrant society.
Registry clerk	Alexander McDonnell	1,200 00	Samuel Tompkins	1,200 00	
Chief clerk and interpreter	Peter McDonnell	1,800 00	George Gardner	1,800 00	
Assistant clerk	Jacob Demuth	1,000 00	Henry Layman	1,000 00	
Messenger	Charles Dolan	600 00	Transf'd to treas. office		
Clerk in charge of postal bureau.	Henry Merritt	1,250 00	Henry Merritt	1,000 00	

Assist. in charge of postal bureau,	Johannes Brandt	1,000 00	Johannes Brandt	1,000 00	
Chief clerk information bureau	Otto Heinzmann	1,800 00	Otto Heinzmann	1,800 00	
Clerk information bureau	James O'Callaghan	700 00	James O'Callaghan	700 00	
Clerk information bureau	S. Bichayn	1,200 00	Resigned	.....	
Messenger	John Marselis	600 00	John Marselis	600 00	
Chief clerk labor bureau	Wm. Connolly	1,200 00	W. H. H. Tyson	1,200 00	
Clerk labor bureau	Charles Kuchenbecker	1,200 00	Chas. Kuchenbecker,	1,200 00	
Clerk labor bureau	Mary Moody	900 00	Mary Moody	900 00	
Clerk labor bureau	John Connolly	1,400 00	Walter S. Smith	1,400 00	
Book-keeper	S. P. Reichard	1,200 00	S. P. Reichard	1,200 00	
Messenger	Patrick Cherry	600 00	Patrick Cherry	600 00	Discharged in March, 1874, to make room for Geo. Gardner.
Chief clerk Ward's Isl. bureau	Richard Von Poser	1,800 00	Richard Von Poser	1,800 00	
Manifest clerk	Alfred Cooper	1,300 00	Alfred Cooper	1,300 00	
Clerk Ward's Island bureau	G. C. Van Hovenbergh	1,500 00	J. H. Stanton	1,200 00	
Clerk Ward's Island bureau	J. H. Muller	1,200 00	E. B. Cooney	1,000 00	
Porter	Ernest Thonssen	626 00	Ernest Thonssen	600 00	
Examining physician	Dr. John W. Sterling	1,800 00	Dr. John W. Sterling,	800 00	
Residing physician	Dr. Tobin	1,500 00	Dr. Tobin	1,500 00	
Nurse of hospital	Dora Witthoft	360 00	Dora Witthoft	360 00	
Hospital orderly	J. A. Kohler	626 00	J. Henry Thonssen	720 00	
Captain night watch	John D. Burns	1,095 00	Abraham Clearman	1,095 00	
Night watch	John Murphy	912 50	James Murray	912 50	
Night watch	A. Schmidt	912 50	Wm. T. Van Riper	912 50	
Night watch	James R. Martin	912 50	James Sullivan	912 50	
Night watch	Edward Reilly	912 50	Samuel G. Hunt	912 50	
Night watch	Philip Ecker	912 50	Philip Ecker	912 50	
Night watch	John McCormick	912 50	Jacob Brush	912 50	
Gate keeper	Wm. Maloney	1,000 00	Wm. Costello	800 00	
Gate keeper	Thomas Cummings	600 00	Israel Person	600 00	
Gate keeper	Louis Kluff	600 00	Charles Schiff	600 00	
Gate keeper	Joseph Egan	800 00	Wm. Mason	600 00	
Gate keeper	John Keating	600 00	John Keating	600 00	
Matron	Elizabeth Esslinger	360 00	Elizabeth Esslinger	360 00	
Matron	Bridget Ievers	360 00	Bridget Ievers	360 00	Disch'd in Ap'l to make place for G. Gardner.
Overseer of laborers	Charles Brice	1,500 00	Charles Brice	1,500 00	

EXHIBIT No. 1.—(*Continued.*)

POSITION.	Under former board.	Salary.	Under present board.	Salary.	
Carpenter	John Keirnan, $3 per day,	$900 00	J. Keirnan, $3 pr. day,	$900 00	Disch'd April 1, 1874.
Carpenter	John Clarke, $3 per day..	900 00	Rt. Christian, $3 pr. d.	900 00	
Laborer	P. Murphy, $2.50 per day,	750 00	.....	750 00	Died Feb'y, 1872, and place filled.
Laborer	H. Sheridan, $2 per day,	600 00	.....	600 00	Place filled by new app't.
Laborer	Michael Lynch, $2 per day,	600 00	.....	600 00	Place filled by new app't.
Laborer	David Luberger, $2 pr. day	600 00	.....	600 00	Place filled by new app't.
Laborer	Arthur Donaldson, $2 pr. d.	600 00	.....	600 00	Changed and made gate-man and place filled.
	Additional or new employees appointed by the present board.				
Examining physician	.....	.....	Sydney H. Chapin ..	1,200 00	
Night watch	.....	.....	Henry Kelly.....	912 50	
Night watch	.....	.....	John Crossin	912 50	
Night watch	.....	.....	Philip Wagner.....	912 50	
Night watch	.....	.....	John Cunningham...	912 50	
Night watch	.....	.....	Thomas Blank.....	912 50	
Gate keeper	.....	.....	Louis Caswell.....	600 00	
Gate keeper	.....	.....	Robert Tucker.....	600 00	
Gate keeper	.....	.....	Caleb Tompkins.....	600 00	
	.....	$77,592 00	.....	$81,522 50	

Total arrival of emigrants.

1872 old board	294,581
1873 present board	266,818
Decrease in emigration	27,763

Number of employees at Castle Garden.

1872 old board	65
1873 present board	72
Increase in employees	7

Amount of salaries.

1872 old board	$77,592 00
1873 present board	81,522 50
Increase in salaries	3,930 50

Number of old employees displaced from Jan. 1, 1873, *to Jan.* 1, 1874.

1873 present board	26

Number of positions vacated by death and filled.

1873 present board	2

Mr. Jackson furnished a statement in regard to expenses, which was marked "Exhibit No. 2, August 23, 1875, F. M. A."

EXHIBIT No. 2 OF AUGUST 23, 1875, F. M. A.

MONTHS.	No. of aliens arrived.	Pay-rolls, Castle Garden.	Pay-rolls, Ward's Island.	Expenses, Castle Garden.	Maintenance, Ward's Island.
1873.					
January	7,474	$8,420 94	$2,803 61	$5,275 05	$19,315 29
February....	4,980	8,354 94	3,688 80	2,865 87	19,818 87
March	10,695	8,539 94	3,687 30	764 01	17,336 84
April	41,925	8,286 44	3,807 53	4,615 66	13,409 63
May	45,155	8,268 94	3,911 63	4,586 37	12,524 14
June	45,487	8,172 35	3,834 96	2,455 11	10,718 03
July	24,396	7,688 21	3,859 63	3,000 96	11,457 92
August	18,754	8,607 59	3,862 16	3,381 35	10,565 69
September...	22,381	8,122 43	3,865 13	2,619 30	8,818 30
October.....	20,591	8,166 77	3,876 54	3,420 29	10,076 65
November ..	17,881	8,242 60	3,471 30	2,511 00	12,405 13
December...	7,635	8,255 30	4,064 01	1,469 13	16,192 58
Total....	267,354	$99,126 45	$44,732 60	$36,964 10	$162,639 07
1874.					
January.....	2,995	$8,228 64	$4,040 52	$1,615 23	$15,607 33
February....	2,749	8,081 63	4,039 85	1,703 69	10,646 78
March	5,032	7,921 85	4,027 43	1,703 70	10,022 10
April	12,502	6,990 99	3,825 96	1,720 18	7,598 73
May	28,895	5,753 16	3,758 07	1,528 20	6,742 73
June	21,994	5,092 98	3,570 35	1,485 60	5,988 50
July	1,636	5,203 42	3,541 25	1,410 52	5,245 94
August	11,868	5,143 16	3,476 37	1,155 30	6,187 61
September...	14,352	5,106 82	3,496 66	1,616 44	6,628 91
October.....	10,673	5,151 32	3,542 66	2,391 35	7,768 13
November...	7,877	5,740 82	3,417 02	1,690 24	8,199 56
December ...	5,034	5,265 32	3,560 76	2,160 60	10,467 87
Total....	140,337	$73,089 11	$44,296 90	$20,181 05	$101,104 19
1875.					
January.....	1,643	$4,094 79	$3,702 58	$1,358 29	$8,840 77
February....	2,461	3,855 14	3,535 14	927 36	7,857 72
March	5,123	3,829 79	3,583 92	927 37	9,313 09
April	10,536	3,858 29	3,523 42	764 60	7,067 90
May	14,470	3,813 79	3,560 08	762 66	5,206 58
June	13,083	2,841 81	2,034 82	779 89	4,562 55
July	9,098	2,513 32	2,059 87	367 17	4,267 02
Total....	56,414	$24,806 93	$21,999 83	$5,887 34	$47,115 63

Bernard Biglin called and sworn:

By Mr. WAEHNER:

Q. You were at one time connected with the commissioners of emigration, were you not in charge of the baggage department? A. I had a privilege; I don't know whether you would call it a connection or not; I had no official connection with them.

Q. It was a privilege accorded to you by the commissioners to transport baggage? A. Yes, sir.

Q. When did you first receive that privilege, and up to what time did you hold it? A. I think it was along about the 15th of June, 1874, up to the 1st of July, 1875.

Q. Will you explain to the committee what the nature of that privilege is or was—what the arrangement is that was made by you with the commissioners in relation to the transportation of baggage and expressage? A. The arrangement that was made with me—the articles are in the possession of the secretary here, which I signed—was to transfer the baggage of immigrants arriving at the garden here to the different locations wherever they were due—trains and steamboats in New York, Brooklyn and Jersey City.

Q. Do the commissioners prescribe the rates that you are to charge? A. Yes, sir.

Q. Were you a member of the legislature in 1874? A. Yes, sir.

Q. I believe you ran for assembly in 1874? A. Yes, sir.

Q. Do you remember anybody by the name of Walter H. Smith? A. I don't know how to answer that question; I know there was a man named Smith here; I had no acquaintance with him; I don't know what his name is; I knew him by the name of Smith—whether it was Walter, John, Henry, or what it was, I don't know; I never did.

Q. Didn't Mr. Smith, at one time, live in your assembly district? A. Well, you take his word for it, he lived almost everywhere; I never knew him to live in my assembly district; I don't say he did not live there, but I never knew him to live there.

Q. When did you first form his acquaintance? A. I cannot say I ever formed his acquaintance any more than to see him here.

Q. Did you know him him before you became connected with the commission of emigration? A. I think not; I might have met him the same as you would in public life, and not know him by name or occupation, or any thing else.

Q. Did Mr. Smith take any active interest towards securing your election in the year 1874? A. None, whatever, that I know of, sir.

Q. Did you receive from Mr. Smith, at any time, any sum of money?

A. I never received any thing from Mr. Smith; there was at one time, I think in 1874, a small amount of money sent, I think it was to our head-quarters, that was contributed, as I understood it, by some of my friends connected with the commission of emigration; the amount I do not remember; it was very small; I think somewhere between $90 and $110 or $120.

Q. Whilst you were running for the office of assemblyman and connected with this commission, did you solicit Mr. Smith to get up any contribution for you from the employees in this department? A. No, sir, nor anybody else.

Q. Did you give any intimation, or request any other person to see Mr. Smith and have him get up this contribution for you? A. I did not, sir; I had no knowledge of it until it was done.

Q. Did you know the names of any of the persons that contributed in this way towards your election? A. No, sir, I don't know that I did; I might know them by knowing that they were employed; well, I say no, I do not; I did not hear afterwards that they had done so; who they were, unless it could be—I knew that a certain man was in the employ of the department, and had it intimated to me that he did, or heard that he did; but to know positively, I do not.

Q. Do you know whether Mr. Stephenson, at that time a commissioner, took any interest in this matter of raising money from the employees of this commission, or whether any of the commissioners took any interest in it? A. No, sir; I do not.

Q. Do you know whether Mr. Stephenson, or any of the commissioners of emigration, had any knowledge at the time, or have you any information that they had knowledge at the time of the fact that this contribution was being solicited by Mr. Smith of the employees of this commission? A. At the time that it was solicited?

Q. Yes, or since? A. Only what I read in evidence; I see that one or two of the commissioners stated that they had no knowledge of it at the time, but I know nothing further than that; from what I can understand of it since, it was publicly done — there did not appear to be any underhanded work about it, and I suppose the commissioners, one and all, knew of it, if they knew any thing of the workings of the department; I don't say that they did; I say it is likely that I would if I was a commissioner — I would likely know whether it was done or not.

Q. And you say that this contribution was entirely voluntary — was gotten up without your knowledge and without your consent, and, as far as your knowledge is concerned, without any knowledge of the commissioners of emigration? A. Yes, sir; I say so; I was not there

at the time; I don't suppose I was on the ground of the commission twice in four or five or six weeks.

Q. These rates that are fixed by the commissioners, were they collected by you of the immigrants? A. On delivery, yes, sir, by my drivers.

Q. These drivers are employed by you, I suppose? A. Yes, sir.

Q. Do you know of any complaints having been made to the commissioners of emigration that any of these drivers at any time overcharged any of these people? A. No; I can't say that I do; I think on one or two occasions, where there was some luggage went a great distance, they charged rates that were not considered fair, but a mere matter of 75 cents, or something of that kind; they were always corrected; I don't know that there was a single complaint against a driver collecting too much or overcharging.

Q. These drivers account, of course, from time to time, or did while you were here, for the moneys that they have in that way collected? A. Yes, sir; we did it on the same principle that Adams Express Company or anybody elses express company does business — we give them the sheet and the receivers sign them.

Q. The position you held then was virtually as an express company to the commission of emigration? A. So understood.

By Mr. Alvord:

Q. Was there any concerted arrangement between you and any employee or any commissioner of emigration that there should be a coerced amount of money given by the employees or by the commissioners of emigration for your collection of expenses? A. No, sir; no intimation of it; I was never spoken to about the matter; I had no knowledge of it whatever; it was news to me.

Q. Was there any attempt upon your part or upon the part of any of your friends, that you knew of, to compel any amount of money to be paid by the employees of Castle Garden, or upon the part of the commission of emigration, in your support as a candidate? A. No, sir.

Q. I understood you to say, a few moments ago, that there was a small amount received at your head-quarters which apparently came from the Castle Garden employees — not exceeding $125? A. I think it was about $110; I am not positive upon that score.

Q. So that so far as you were concerned or any thing that you had any thing to do with it was a simple voluntary subscription? A. Yes, sir.

Q. Was it a voluntary subscription in the direction of a desire upon your part for it? A. No, sir; I had no knowledge of it until it reached me.

Q. Did you intimate in any way, shape, or manner, a desire that that amount should be paid by these parties? A. No, sir.

Q. Did you ever solicit in your own person or through any agent of yours any contributions for your election expenses from that source? A. Never, sir.

Q. What were the rates, as charged by you and agreed to by the commission, as compared with the present rates for the doing of the same business that you did — under the present arrangement? A. I don't know what the rates are under the present arrangement, any more than I suppose they are about the same as the rates that I worked on.

Q. Were the rates determined by you or determined by the commission? A. By the commission, sir.

Q. What were the rates as compared with the ordinary expenses of the transmission of baggage under similar circumstances by the ordinary local express companies of the city of New York? A. I would consider it under; I was doing the express work for 25 cents less than it was done by my predecessor.

Q. How were you doing it as compared with Dodd & Westcott, and other express companies? A. I think they are allowed 50 cents a package.

Q. What were you allowed? A. Forty cents by the single package, and from that down to 30, according to the number of packages; I was allowed 50 cents above Forty-second street, I think it was, or above Fiftieth street.

Q. Have you compared the prices that were allowed you by the commission of emigration to charge, with the prices of the ordinary express companies, of this locality, for the same services? A. No, sir; I do not know what they would be willing to do it for.

Q. No, but what they did do it for under ordinary circumstances? A. The express wagons?

Q. The express wagons; Westcott and others? A. I considered we did it under what they did; the express wagons that stand on the streets, if I understand it properly, are allowed 50 cents a package.

Q. Then the charges that you made, and that you were authorized to make by the commissioners of emigration, and that you absolutely collected, so far as you knew any thing about it, would be low rather than above the ordinary rate of transportation of property of that kind? A. Yes, sir; the allowance was about 40 cents a single package, and I think all express companies charge 50 cents; I know I pay it when I have any thing come to my house; I pay 50 cents; I suppose that is their regular rates.

Q. Do you say now under oath that the entire of the amount that you received, as far as you know, from the direct application of money

coming from the employees of the emigration commission, did not exceed $110? A. No, sir; I did not say so; I don't know that it was; I think it was about $120; I won't be positive on that, because at that time I was pretty active and knocking around; and if I had got $250 I would not have thought a great deal of it at the time; I would not have paid much attention to it.

Q. Was any of it done by an absolute coercion, by an attempt to compel these men to pay at the expense of position? A. I don't know how I can answer that any better than saying I have no knowledge whatever of it; it was as much news to me to know that it was so as it would be to know that something that isn't done, would be done to-day; and as I stated to Mr. Waehner, I think I had not been in the Garden six weeks, more than once or twice at the time; I never considered it my business in fact; I never depended on it entirely for business.

Q. I want you to answer me distinctly and clearly? A. I shall answer you, sir.

Q. Was there any attempts, so far as you know any thing about it, by official coercion to compel any sort of contribution to your expenses of election, in Castle Garden? A. I say, no, sir — emphatically no.

Q. And that any thing of this kind that was done, was done without your knowledge, and that your knowledge in regard to it, came after the canvass was over? A. Yes, sir; I don't say after the canvass was over.

Q. During the canvass? A. Yes, sir.

By Mr. WAEHNER:

Q. After the money was raised? A. Yes, sir.

By Mr. ALVORD:

Q. It was not raised at your solicitation, at your request, nor with your expectation of any thing coming out of it? A. No, sir; it was not.

Q. Then you consider what was given from this locality, and from the employees of the institution, was given as a voluntary contribution to you personally, without any reference to your connection particularly with the institution?

A. I do sir; because I never considered that I had any connection with the institution; I never had any official connection with it; I perhaps visited the institution as seldom as a great many men who did not even have as much to do with it as I had; and I considered that I had nothing to do with the institution except to look after my business here as an expressman.

Q. And your business was simply an expressman, having, to some

extent, the right under the prescription and the tariff established by the commission to do the business, to the exclusion of others? A. Yes, sir; I had it at the pleasure of the commission: if the commission saw fit to change it, they relieved me of the responsibility and gave it to another.

By Mr. WAEHNER:

Q. Did you introduce a bill in the legislature in 1874, providing for an increase of head-money? A. In the lower house, I think I did; no, sir, I think not; it was introduced by somebody else; I think it was introduced by Lake; I am not positive; I don't think it was my bill; I was in favor of the bill, I will say that; possibly it was my bill, but I think not; I may have introcuced it, but I am inclined to think it was Mr. Lake's bill.

Q. Mr. Husted, who testified this morning, thought it was you, and my memory concurs with him? A. Perhaps it was, then; I say I was in favor of the bill, and in sympathy with it.

Q. That bill was defeated — it was reported adversely upon, was it not? A. No, sir.

Q. What became of the bill? A. It remained in the committee: the friends of the bill thought that the better way to work the bill would be — there was a bill of the same character in the senate and before the house — the friends of the commission and the bill thought the better way to work the bill would be to pass it through the senate, and then have it come to the house, and substitute the senate bill for the house bill.

Q. And the senate bill — was that reported? A. It was reported, and put to a vote and lost.

Q. And of course there was no action taken upon the assembly bill after that defeat of the senate bill? A. There was no action taken on it.

Q. Did you hear any rumors in Albany, or have any information that you could communicate to this committee, that the steamship companies or any persons had contributed the sum of $40,000, or any like sum, to the defeat of that bill? A. No, sir; I have no knowledge, any more than seeing newspaper reports.

Q. Did you ever receive any information from any person to that effect? A. No, sir; did you say a contribution of $40,000 to the defeat of the bill in 1874?

Q. To the defeat of any bill which would contemplate the increase of head-money? A. No, sir.

Q. Do you recollect now who appeared before the joint meeting of the committee on commerce and navigation of the senate and assembly in opposition to that bill? A. The steamship companies, I guess

were very well represented there; I think Mr. Dale was there, and I think Mr. Hurst, and two or three others; I don't remember who.

Q. Do you recollect whether Mr. Bernard Casserly appeared there as an advocate in the interests of the steamship companies? A. In 1874 or 1873?

Q. 1874, I am now asking? A. I saw Mr. Casserly there in 1874, and supposed he was in that interest; I have no knowledge that he was.

Q. Did he speak to you in relation to the bill? A. No, sir.

Q. He did not make any argument, did he? A. I think he corrected the president of the Irish society on some statement that he made.

Q. In 1873, have you any recollection of the circumstances connected with the bill in the legislature of that year; you were on the committee on commerce and navigation in 1873, were you not? A. Yes, sir; I think the bill only went to the senate; I don't know that there was a bill in the house. (To Mr. Alvord): Correct me, governor, if I am wrong.

Mr. ALVORD — I won't correct you, because I was not a member; but my recollection is that there was a bill in 1873.

The WITNESS — There was a joint committee.

Mr. WAEHNER — In 1874 was the joint committee.

The WITNESS — I think 1873 was the joint committee.

Mr. WAEHNER — No, 1874, and Ganson was a member of the senate.

The WITNESS — Yes, that is so; then there was a bill then certainly, for it was before the joint committee.

Mr. ALVORD — In 1873, Alberger was chairman of the committee on commerce and navigation; don't you remember?

The WITNESS — Yes.

By Mr. WAEHNER:

Q. Do you recollect of any bill being before your committee in relation to that matter that year? A. I think there was a bill before the committee.

Q. Do you know who appeared in relation to that bill? A. It occurs to me that there was not any hearing on the bill; I cannot call to memory that there was such a bill; there was a bill reorganizing the commission of emigration at that time, but whether there was a head-money bill or not I could not say; if there was, I had no knowledge of it.

Q. Do you recollect of Mr. Abram Wakeman appearing before the committee in 1873? A. In 1874.

Q. Not in 1873? A. I think not; I cannot remember that he did; I would like to make a statement in reference to Mr. Casserly's evi-

dence before the committee, that I held contracts with the commission of emigration, and ex-Senator Murphy was instrumental in securing the commission; I want to let you know that I am not any such good friend of Mr. Murphy; I think he only did it to injure that gentleman, because he states he was a friend of mine.

By Mr. ALVORD:

Q. In other words, you desire to say that you are not aware of the fact that you obtained your position as express agent of this commission, from any interposition of Mr. Thomas Murphy? A. That is what I mean to say; I don't think Mr. Murphy had any knowledge of it at all, so far as I know; I was personally acquainted with the members of the commission, and solicited myself.

Adjourned to September 1, 1875, at 10:30 A. M.

WEDNESDAY, *September* 1, 1875.

The committee met at Castle Garden at 10:30 A. M, pursuant to adjournment.

Present — Hon. Jeremiah McGuire, chairman; Messrs. Alvord, Gedney, Vosburgh and Waehner.

George W. Palmer, being duly sworn, testified as follows:

By Mr. WAEHNER:

Q. You were at one time connected in business with one Michael Nolan? A. I was.

Q. State at what time you went into business with him, and what the business was? A. In the early spring of 1869, I formed a law partnership with Patrick H. Jones and Michael Nolan; the firm was Palmer, Jones & Nolan; we continued business as such firm until, I think, about the 3d of August, 1869, when I left, I being appointed to the position of appraiser to the port of New York, and I had nothing to do whatever with the firm after that; never received a cent from any thing that was done in the firm from that time.

Q. Were you at any time advised by Mr. Nolan, or did you have any information from any source, that Mr. Nolan had this contract with the steamship companies, of which you have read in the papers? A. I never knew or heard any thing about it until what I saw in the newspapers in connection with this investigation, either from Nolan or from any one else.

Q. And you never advised with Mr. Nolan what steps to take in the legislature to pass the bill for the reduction of head-money? A. No, sir; I never knew he had any connection with it whatever.

Q. And you had no connection with it in any way? A. No, sir; I was not in Albany that session; in fact, I have not been in Albany since 1869, during the session of the legislature

George Starr, being duly sworn, testified as follows:

By Mr. WAEHNER:

Q. You are at present one of the commissioners of emigration? A Yes, sir.

Q. You were appointed under the act of 1873, and went into office as one of the commissioners? A. Yes, sir.

Q. During the time that you have been a commissioner of emigration what committees have you been on? A. The Castle Garden committee.

Q. Any other committee? A. The Ward's Island committee.

Q. As a member of the Castle Garden committee, of course the officials connected with the place were somewhat immediately under your supervision — those at least connected with Castle Garden? A. Yes, sir.

Q. You have heard the evidence of the other commissioners on this subject of Castle Garden and the force employed; their testimony seems to be that the force employed was too large in 1873, and had been reduced from time to time as the necessities of the board required; what do you say to that evidence; is it correct in that way? A. Well, sir, when this commission came into office I was under the impression that there were no more employees than were really required; the day that we took possession of this institution there was a greater number of arrivals than there ever was before or has been since on any one day; and for some little time after that there was an immense immigration; and in looking over the number of employees we had and the duties that they had to perform, and the hours that they were employed, I was under the impression (and am still under the impression) that there were no more than there were really required; there was as much as all of them could do from early morning until late at night, and you, gentlemen, can plainly see for yourselves that with an immigration running from 2,000 to 5,000 and 6,000 and 7,000 in one day, and on one occasion nearly 8,000, we required a very heavy force of employees.

By Mr. VOSBURGH:

Q. This was a very rare occurrence — such large arrivals? A. No, sir, that continued for some time; it had been so the year before.

By Mr. WAEHNER:

Q. You regarded the force employed in 1873 as not unnecessarily large? A. In the summer of 1873 I did not think it was unnecessarily large.

Q. What do you say as to the salaries paid to the officials — do you think that they were in proportion to the services rendered? A. I think some of the salaries were extraordinarily high.

Q. Among which were the salaries of whom? A. Well, the salaries of the superintendent, and deputy superintendent and treasurer.

Q. Were any steps taken by you, or any of the members of the commission, to reduce the salaries of these officers? A. We did for a time.

Q. What time did you reduce the salary of the superintendent? A. Commencing the latter part of the year.

Q. The latter part of 1873? A. Yes, sir.

Q. Reduced it from $6,000 to what? A. We did not reduce the salary of the superintendent; when we dismissed the superintendent we made Mr. Jackson the acting superintendent, at the salary that he was then receiving.

Q. Well, in the spring of 1873, when the board first went into office, Mr. Casserly received a salary of $6,000? A. Yes, sir.

Q. And Mr. Webster was appointed in his place? A. Yes, sir.

Q. And received the same salary? A. He did.

Q. And he continued in office up to what time? A. I don't know that I can give you the date exactly.

[Mr. Jackson, being asked, states that Mr. Webster left in June, 1874.]

Q. And his salary continued at $6,000 up to June, 1874? A. Yes, sir.

Q. Was there any other official or subordinate connected with the department, whose salary you estimated to be too high for the services rendered?

A. Yes; for a time we became convinced that the salaries of quite a number of the officials were too high; I think when I came here the salary of the deputy superintendent was $3,500 or $4,000; I don't know which; we reduced it $500; there was an effort made to reduce it more than that, but it was not successful, and afterward, when we found that immigration was decreasing so rapidly and had got so flat, we abolished the office.

Q. Now, you have doubtless read the evidence of Mr. Casserly, and heard portions of his statement? A. I heard some of it the other day.

Q. He stated that the practice had grown up, about 1869, of splitting up the services and duties of different departments and bureaux; was there any of that practice by the present commission? A. No, sir; that was before we came in.

Q. There was no increase of any particular force connected with a particular bureau, and a reduction of the salaries?

A. There was an increase in the winter, I think, of one or two night watchmen; it was necessary to appoint a couple of night watchmen, and I don't know but there were a couple appointed; when we came here a great many of the immigrants were compelled to remain over in Castle Garden, and robberies of immigrants took place very frequently; some lost their money and some their clothing; I came to the conclusion that there was not a sufficient number of night watchmen to give it the attention required; our duty was to protect the immigrants in every particular; one of the night watchmen was placed at the gate, and one in the baggage office, and one at the dock, and there were but one or two in the rotunda, where it required a greater number: I advised the appointment of a couple more night watchmen, which was done, and I think it was a profitable investment; we had no more robberies after we appointed these men, and thus gave them an opportunity to sleep a little in the night — a portion of them, while the balance were on duty; if you put a man on duty at 5 o'clock in the afternoon, and keep him on duty until 7 o'clock next morning, for the whole time, his watchfulness will wear out, and he cannot give the attention required; I thought it necessary to divide up their time and let them have some sleep; I think that one-third were permitted to sleep a certain number of hours in the night and then come on fresh again; again, in the winter of 1873–4, which was a very hard winter, many of the immigrants who were in the city of New York were out of employment, and they would make application to the commissioners for lodging and for food at night; indeed they wanted it all the while; rather than send them to Ward's Island, which was pretty well filled at that time, we adopted a system of feeding them here at night, giving them one good, solid meal and a night's lodging, and then we thought they would be able to get along pretty well during the day in shoveling snow or doing odd jobs of that kind, and thus keep them from starving; I think there were two or three hundred a night that we would lodge, and that a good many of them were of the worst class of men — what we would term "bummers;" we even fitted up an old building on the

end of the dock; there was a large building there in a dilapidated condition; the building was on the dock itself, but it was all open between the planks; the whole building wanted to be lined with boards to make it comfortable; we put a floor over it and ceiled it inside, and made it as comfortable for them as we could, putting up a large stove; and, at times, there was a good deal of difficulty among them, and it was necessary to appoint a couple of men to take charge of them; a couple of night watchmen; we did put in two night watchmen there, but that was only a temporary matter, and as soon as the season was over we let them go.

Q. Mr. Casserly gave some evidence about a man named Gardner; who was he? and what place did he hold? A. Mr. Gardner was a very respectable and very intelligent man, and he was recommended very highly to the commissioners for a position here; there was an opening, and he was appointed, I think, in what is called the forwarding bureau; a man named Peter McDonald was the chief clerk there; there had been some complaints made against McDonald, and an examination was had by the superintendent; I think the evidence was so strong against him that the commissioners came to the conclusion they had better dismiss him and put another man in his place, and Mr. Gardner appearing to be the best man that offered, he was put in Peter McDonald's place.

Q. How long did Mr. Gardner continue in that place? A. He continued there until the bureau was abolished.

Q. Where was he put then? A. He was then taken into the office here; the superintendent required a clerk for some work, and asked for him, and the commissioners placed him at the disposal of the superintendent.

Q. Was that done by resolutions of the board? A. I think it was.

Q. What were the duties he performed here? A. His duties were various; he was a smart man, and could do almost any thing required of him; in fact, there were certain resolutions that had been passed by the former board, governing this board in its actions; and, at times when certain things were required to be done, some of the commissioners would say there was a resolution which conflicted with the action of the board, and it was a world of work to go back in the minutes to search out what were the duties of the commissioners, so it was necessary to have these resolutions systematized; Mr. Webster asked that the minutes be gone over, and all these resolutions be got together, so as to know just what the resolutions were.

Q. Were the clerks connected with Mr. Webster's bureau so busy that they could not do that work? A. It appeared so.

Q. How long did it take at that work in the office? A. Well, he not only did that, but he had other work; he was put to work on the reports made to the legislature, and I guess he was very serviceable in that.

Q. In the meantime what did the superintendent do? A. He had general supervision of the whole department — not only this, but Ward's Island likewise.

Q. And then Mr. Gardner was appointed to Ward's Island, after he got through here? A. No, sir; he never was.

Q. Was he discharged after doing this work? A. No, sir.

Q. What was he then appointed to? A. After he got through with his duties here in this office, at a meeting of the board the chief clerk of the Ward's Island bureau was dismissed, and Mr. Gardner was put in his place; whether he ever took possession of the place I do not know, but I am inclined to think he did for a few days; I heard Mr. Casserly's statement in regard to this, where he said that Mr. Van Poser was dismissed, and after he was dismissed, the commissioners found it necessary to send for him again to take the place; that is not so; it appears that on the day Mr. Van Poser was dismissed — which was at the meeting of the board — it was the intention of Mr. Hurlburt, myself, Mr. Stephenson and Mr. Maujer (and I don't know whether Mr. Quintard was here or not), that some change should take place, that some dismissals ought to be made; but, after Mr. Van Poser and two or three others were dismissed, three of the commissioners left the room, or, rather, they left the table; and, I think, Mr. Lynch made the remark that there was not a quorum present, not a sufficient number voting, and that all our work was illegal; and Mr. Kaufmann, who was present, took the ground that our act dismissing Mr. Van Poser was illegal, and he advised Mr. Van Poser not to leave his position, but go on to sue the commissioners for his salary; at a subsequent session, the commissioners finally agreed, rather than to have any trouble, to put Mr. Van Poser back in the office, not because he was really essential, or that he would be of greater service to the commission, but because it would prevent any trouble; and, rather than have any law suit in relation to it; I believe myself that the action of the committee on that day was perfectly legal; a sufficient number had answered to their names; and the fact that one or two got up and left the table without cause, was not sufficient to make the action of the meeting illegal.

Q. Was there any thing of a political character in these removals? A. No, sir, I think not; I don't think there was any thing of a political character; you (Mr. Waehner), knowing me, will not think so.

Q. I ask the question generally, whether or not, during the time that you have been a commissioner of emigration, the appointments

and removals have been dictated by political considerations? A. You know me too well to think that.

Q. I ask the general question? A. Why, no, sir; certainly not; do you think that these commissioners would be influenced by any political consideration? no doubt there are men who belong to certain political parties who were appointed; I mean to say that in the appointments made, there were no such considerations; when I came here I believe that the employees were under the impression that every one had to go away; that a new deal was to be made; I could not find a democrat in the place, they were all republicans; do you think that I would do any thing to put republicans out; they were all republicans when I came here, or, at least, they said so.

Q. They changed their political faith, perhaps, when you came here? A. I don't know; you could not find a democrat in the place; there was a man named Maloney who was discharged and he wanted to get back; I told him there was not a place for him, and he had better go to his political friends; he said, "Why, I am a republican; you turned me out of here;" we could not give him a place; we removed men because some of them were unfit; there were other appointments made that were really essential to be made, which increased the expenses of the commission; you will remember, from the testimony of former witnesses, that when we came here there was an asylum for the insane then in course of erection that was not finished at that time.

Q. As a member of the Ward's Island committee, it was, of course, part of your duty to look out for the supplies, or examine the bills for supplies, furnished to the island; can you state whether the supplies furnished to the island were furnished at the proper rate, or whether they were beyond the cost or value which should be paid for them? A. I think the commissioners were very fortunate in the purchase of supplies; they were always blessed with a good purchaser; and in comparing the cost of supplies with other institutions, we found we were doing much better than they were doing; we were getting a better grade of flour than other institutions, at a less cost; there was a great deal of comment about the bread of our institutions, and there were comparisons frequently made by the commissioners of charities and the commissioners of emigration, about their bread; the commissioners of charities always confessed that the bread of our institution was superior to any bread they had ever seen in any institution, and that the cost of our flour was less than theirs, and they could not understand it unless it was that we had a better baker; I suppose that we had one of the best bakers in the country; when Mr. Bowen was a commissioner, he said they were going to take him; I said that I didn't think they could; he said they could get him by paying a higher salary; I said I didn't believe that he would go, for he was

with us so many years I didn't believe he would leave; he is one of the best bakers in the country.

Q. Now, what is the system of the Garden in regard to removing sick immigrants; is there any additional compensation paid to the baggage-master here? A. Yes, sir; that is a separate contract.

Q. A contract made how? A. Between the commissioners of emigration and the contractor.

Q. Does such a contract exist at the present time? A. I think there is a contract; I think the parties who have taken that contract had it at the same rate that the former contractor did it for.

Q. Who were the first contractors under the board? A. Biglin.

[Mr. Jackson was inquired of to show the contract for ambulance service, and stated that it was a verbal agreement.]

Q. Can you tell us what compensation was paid to the first contractor for these services; for conveying the sick? A. I cannot tell you; Mr. Jackson will tell you.

[Mr. Jackson states that it was $1,250 a year to Alberts and Biglin; that it was formerly $2,000; was then reduced to $1,250, and was then increased again to $2,000.]

Q. When was that increase made, Mr. Starr? A. I don't know; I know that Mr. Biglin complained very bitterly that the expenses of removing the sick were so great, that it was necessary for him to have more; that he had lost on the contract; Mr. Biglin lost some horses; it was a very heavy ambulance and the distance was very great; in the first place, he had to go to Brooklyn or to Hoboken, or any part of the city, to collect his sick, no matter what the disease might be — whether small-pox or any other disease — he would have to go to Hoboken or Brooklyn and take them up to One hundred and Tenth street; I don't think he received a greater compensation than was necessary: he was always compelled to have his horses here before the wagon; in the heated term he lost two or three horses.

[The committee requested Mr. Jackson to hand in a statement of the number of sick removed to Wards Island].

Q. As a member of the Castle Garden committee, the restaurant was under your supervision somewhat? A. Yes, sir.

Q. What have you to say in relation to that? A. That is a privilege given to the parties under certain conditions.

Q. Do they pay any thing for it to the board? A. No, sir, I don't know but it might be an improvement to let that privilege out; there might be an income from that, as well as from the brokers here; and I am under the impression that the brokerage and restaurant business and railroad business each should pay a portion of the expenses of this commission for the privilege; the railroad privilege has been of

immense value to certain parties, and I believe that did formerly pay $12,000 a year; but that rent was taken off before this board came into existence.

Q. Don't you think those parties who have these privileges about the place might pay the rent of the institution? A. I think they would; I know that the brokers are willing to pay, for one of them stated to me that he was willing to pay for his privilege if the commissioners thought proper to charge it; I think there are four privileges here which would bring quite a large sum of money in; that is the brokerage privilege, the restaurant privilege, the baggage privilege and the railroad privilege; and I am inclined to think also that the telegraph companies would pay; I don't know but that they do pay; I don't know whether they do or not.

Q. Have any steps been taken by the present commissioners to require any of these parties to pay? A. No, sir, I don't think there have; some of the commissioners are under the impression that it would not do; they want to have these things under their entire control, and they think that just as soon as contracts were made it would place the parties somewhat less under the control of the commissioners; but I think it could be done.

Q. The commissioners might fix a rate, just as they do the rate for baggage and passengers? A. Yes, I think it could be done; I don't know how the other commissioners feel in regard to it; I want to say, in connection with the question as to why the expenses of the commission were increased, that there was, among other things, an asylum on Ward's Island at the time that we came here, in an unfinished condition; a great deal of extra work was to be done; the old commission had made a contract for building, but had not sufficient money to pay; this commission had to pay for finishing it; it was necessary then to have steam apparatus, which cost a good deal; and it was then required to put in an engineer and assistant, and all these things go to make up the extra expenses; that was something that was never paid for before, and this commission had to pay it.

Q. This ambulance which was used belonged to the commissioners of emigration? A. Yes; the ambulance belongs to the commission.

Q. The only service that the contractor was put to, was the employment of men and horses? A. Yes; he must have more than one man, I think.

Q. Is there any way of knowing the number of persons who were conveyed in that way — by ambulance — any record kept on Ward's Island? A. I don't know that any is kept there; I think one is kept here.

Q. The small-pox patients are not included in that? A. No; I don't believe they are now; the board of charities takes those patients.

[Mr. Jackson is referred to, and states that the board of charities takes the small-pox patients, and did so formerly.]

Q. What do you say as to paid commissioners, compared with the present state of commissioners; would they be more efficient? A. Well, that depends altogether on circumstances; I don't believe that you are going to get any better commissioners than you have now, if you were to pay $10,000 a year; just look at the present commission; you cannot conceive of a better.

By Mr. ALVORD:

Q. You leave yourself out? A. No, sir; I think about as well of myself as any one else does of me.

By Mr. WAEHNER:

Q. Then your answer is that it depends altogether on the *personnel* of the commission? A. Yes, sir.

Q. And in your opinion men can be found, and have been found, who would render the services voluntarily, and render as efficient services as paid commissioners? A. Yes, sir; and we have evidence of that in the 27 years' existence of this commission.

Q. You think that the persons appointed commissioners regard themselves as administering a kind of trust fund? A. Yes, sir.

Q. Not exactly for charitable purposes, but for benevolent purposes? A. That is it, sir; it is a grand benevolent institution; and I think there are other institutions in New York, aside from this commission, that are looked over by unpaid trustees who are just as faithful to their trust as any paid men could be; take the New York Hospital, for instance, and Bloomingdale Lunatic asylum.

Q. Did you hear the evidence taken in regard to the purchase of coal in 1874? A. Yes, I heard that evidence.

Q. What have you to say in regard to that? A. I say that Mr. Forrest's evidence, in regard to that, is correct.

Q. You were chairman of the Ward's Island committee? A. No, sir; I never was chairman of that committee; Mr. Stevenson was chairman; at the meeting of the board, or of the Ward's Island committee, a sub-committee of three was appointed to look after the purchase of coal; Mr. Maujer, Mr. Forrest, and myself; I think that was in June; at that time coal was selling at a higher rate than we thought the commissioners ought to pay for it, and we let the thing run along; I was advised by Mr. Forrest, who was connected with the Pacific Mail Steamship Company, which was in the habit of purchasing large quantities of coal, and I thought his advice as good as I could receive; Mr. Forrest, by certain inquiries he made, become satisfied that the combi-

nation which then existed among the coal dealers would break before the end of the season, and I, in conversation with retail coal dealers in the city, came to the same conclusion; I consulted the gentleman that I purchased coal from, and he told me that he thought the combination would not continue; and he said that if we put off purchasing coal longer than we did, we could have bought cheaper; that he did so, making a difference of 13 or 14 cents I think, a ton, by the procrastination; however, the combination did not break until after we purchased our coal.

Q. And the price of coal was reduced even after you purchased? A. Yes, I think it did in the winter, but I guess not any lower than what we bought at; we got coal 15 or 20 cents less than other companies would supply us, and less than other parties were paying; we were very fortunate in our purchase.

By Mr. ALVORD:

Q. At the time you changed the superintendency at Castle Garden, or the general superintendence of your affairs, who were you in favor of as superintendent of Castle Garden? A. Before the change took place do you mean?

Q. At the time? A. Mr. Casserly; but on the day that it took place I was in favor of Mr. Webster.

Q. Who were you in favor of before it did take place? A. Mr. Casserly; I did everything I could to hold Mr. Casserly here; I looked upon Mr. Casserly as a very valuable man to this commission; I had known him from boyhood, and always believed him to be a good business man.

Q. Were you at all governed in your opinion in reference to your desire to retain Mr. Casserly, by any political consideration? A. Not a bit, sir; not a particle.

Q. Mr. Webster, who sought to be the successor of Mr. Casserly, was a pronounced republican? A. Yes, I think he was.

Q. Did you at that time anticipate or expect, or were you led by any sort of information to suppose, that it was simply changing one republican for another? A. Yes, sir; I always thought Mr. Casserly was a republican; I insisted on it to one or two of the commissioners, that if it was a political change I could not see any advantage, for Mr. Casserly was a republican; he voted for Mr. Lincoln once or twice — I think twice; and I think he told me he voted for Mr. Grant.

Q. I am driving at this single result — whether your desire to retain Mr. Casserly as against Mr. Webster had any thing whatever to do with political reasons? A. No, sir; old friendly relations that had always existed; and, also, I believed him to be competent for the position.

Q. And you really believed that both of them were republicans? A. Yes, sir; and I think so yet; you cannot make Mr. Casserly say that he belongs to the Tammany party.

Q. He says that he is a democrat, but does not belong to Tammany Hall? A. So am I a democrat; we are all democrats; but Tammany Hall is an aristocracy.

Q. In connection with the appointments which have been made during your connection with the institution here, are you satisfied that, if you had succeeded in retaining Mr. Casserly, the institution would have been as much benefited as it has been by the employment of Mr. Jackson? A. I don't think but what the institution has run as well with the discharge of Mr. Casserly and Mr. Webster as it would otherwise; I think that too many duties have been put upon Mr. Jackson, and if the commission was not in the strait financially it is, I would insist that no one man should be secretary and treasurer and purchaser of this institution; I think it is a dangerous thing; we have a most excellent man in Mr. Jackson, and we are compelled to put greater duties upon him than should be put upon any one man, from the fact that we have no money; you can see that the principle is wrong — a secretary and treasurer and superintendent and purchaser all in one man; it is all wrong — the plan is all wrong; but we are compelled to do the best we can under the circumstances; if we had money, I should not think of having Mr. Jackson in all these positions; yet I don't know of a man who would be as equal to it; he is an extraordinary man, and we all have confidence in him.

Q. I want to pursue the inquiry a little further; I have noticed the fact in your answer to Mr. Waehner, that your idea in regard to the efficiency of a voluntary commission as against a paid commission, is, to say the least, that the voluntary commission is equal to the other? A. Yes; I think if you can succeed in getting as good men without pay as with pay, there is no use in having a paid commission.

Q. And you think that you can get as much efficiency with a voluntary commission as with a paid commission? A. I do.

Q. I ask if there would not be more efficiency in administering the affairs of the commission of emigration if that commission were lessened in number? A. I think the commission could be run with a less number of commissioners.

Q. Don't you think it could be run with a very much less number of commissioners? A. Yes, sir; I think five would be sufficient; we now have nine.

Q. Would you not eliminate the characteristic of national representation, or would you continue the national representation as it is now? A. Let me understand your question.

Q. You now have a national representation, representing the German and Irish and other societies; of course, if you had five commissioners, these two societies would take two out of the five? A. I am one of those that believe if it is essential to have a national representation, you should have a representative for every nationality there is; the German immigration is very heavy, and also the Irish; there are others — the Russian immigration is coming in pretty heavy, and then you can take the Scandinavian, which is pretty heavy; there has been many applications for representatives here, and, I believe, efforts were made a winter or two ago to have some of the other nationalities represented here, but it did not succeed; I don't see why any nationality should be represented here; if you have got good men they would represent all the nationalities.

Q. Then you agree that this commission would be more efficient if there were five men acting voluntarily, rather than nine? A. Yes; I think it would be full as efficient.

Q. Would you make those five all representatives of nationalities? A. No; I would not make one of them a representative of any nationality in particular.

Q. That is what I want to get at? A. No; not one.

Q. In other words, you would select the five in reference to their ability to perform their work, their benevolent intentions, and their practical efficiency, without any reference to nationality? A. Exactly, sir.

Q. You think that would be a more efficient institution than any you could get up? A. Yes; and if any of the national societies wanted to send representatives here for the purpose of advising the commission, the commissioners would always receive them.

Q. You think that nationalities undertaking to represent themselves through a representative man, he should do so simply in the light or shape of an adviser, rather than as operating in the administration of the affairs of the commission? A. Yes, sir.

Q. In connection with that thing, what is your idea of the future of immigration? A. Well, sir, I don't know that my opinion in regard to that would be worth any thing; we all have our views.

Q. I would like to have your opinion? A. Well, I think the future of immigration depends largely, if not altogether, upon the prosperity that will exist in this country.

Q. Immigration is, then, just no more and no less than a commercial item in the affairs of the country? A. Comparatively so; there are a few emigrants who will come to settle on the western shore.

Q. It is simply a question of the prosperity or want of prosperity of the country? A. Yes, sir.

Q. Depending upon that? A. Yes.

Q. In view of that state of facts, I desire to ask whether, in your opinion, it is for the interests of the people of the state of New York, as a people, to tax themselves in any way for the support of the bureau of emigration? A. No, sir.

Q. In other words, should it be a self-supporting institution? A. It should, sir.

Q. It should be a self-supporting institution? A. It should.

Q. And so far as regards the volume of immigration, it would depend on the prosperity or want of prosperity of the country? A. Yes, I think it would be to the interests of the state to make the institution self-supporting to the extent of five years.

Q. That involves another point, and that is this; is it your opinion that any amount of head-money which has been exacted by the state of New York for the purpose of supporting the institution has ever retarded, in the event of its being large, or accellerated, in the event of its being small, the amount of immigration? A. Not a particle.

Q. In other words, the head-tax has had no effect on immigration? A. Why, no sir; you might as well try to stop the tide coming to the shore as to stop immigration coming to New York; here they will come as long as this institution exists; New York is America to them, and you cannot divert the immigration; it is impossible.

Q. Has the cost of head-money ever affected, in any way, shape, or manner, the expense to the immigrant of getting to this country? A. In all my experience I should say not, because immigration was heaviest when the head-tax was the highest.

Q. I ask whether the cost to the immigrant was in any way lessened by the decrease of head-money?

A. No, sir; the cost to the immigrant appears to have been the same; I think no reduction has ever been made growing out of the reduction of head-money; in fact the steamship company managers acknowledge that.

Q. Would the reduction of head-money to nothing, with the existing facilities for the immigrants in Boston, Baltimore, and other places, have any effect in diverting immigration from this port? A. I think not.

Q. Then the final result of your idea in regard to this matter is that until you create an absolute prohibition of immigration, the question of the head-money which it is necessary to raise for the purpose of carrying on, in all its efficiency, this institution, is merely a question of dollars and cents, and would not affect the volume of immigration? A. Yes, sir.

Q. Do you believe that if we should raise the head-money to $2.50, that with a careful and economical administration of the affairs here, Castle Garden and Ward's Island, and giving the facilities which

always have been given to immigrants, that sum would be sufficient? A. Yes, I think $2.50 would be sufficient.

Q. And you do not think that would affect in any way the volume of immigration to this port? A. Not a bit; I think the immigration would increase, for if the commissioners of emigration had sufficient funds they could carry it on with the beneficience which they consider necessary.

Q. Suppose the beneficient work was carried on as it is, under any circumstances, you don't think the increase of head-money to $2.50 per head would affect immigration? A. No, sir; I don't think that $3 per head would affect it; here is the port that they will come to.

Q. Unless other ports give the same facilities that you do here? A. Yes, sir.

By Mr. GEDNEY:

Q. Are there persons who are termed missionaries connected with Castle Garden? A. Yes, sir.

Q. How many are there, and whom do they represent? A. I think there are about 10 or 12; I think they represent the bible society (2), the tract society (1), the German Luthern Society (1), the German boarding-house or mission-house opposite here has one; I think the Danes have one or two; Mr. Jackson can answer your question better than I can.

Mr. Jackson being appealed to, states that the Evangelical Lutheran Church is represented by two, the Roman Catholic Church by one, the Methodists by one, the American Tract Society by one, the American Bible Society by two — that there are about 10 altogether.

Q. What are their priveleges and duties? A. They are entitled to the privilege of the Garden, for the purpose of looking after the spiritual welfare of the immigrants on their arrival; that is what they come here to perform, I suppose.

Q. Have any complaints ever been made against any of them, and if so, what? A. There have been frequent complaints made against them.

Q. On what ground? A. I think the greatest sources of complaint has been from the boarding-houses, who complaim bitterly that some of them act as boarding-house runners; they have privileges superior to the boarding-house runners; there are about 80 boarding-houses which have the privilege of coming to Castle Garden for boarders; sometimes the immigrants remain a day or two and go to boarding-houses; the boarding-houses have to render an account as to what has become of the immigrants; it has been complained that some of the missionaries (whether there is any truth in it or not, I don't

know) have acted as boarding-house runners; and as they are admitted inside of the rotunda before the boarding-house men are, it is charged that they have selected out the best immigrants and taken them to particular boarding-houses; then there have been some complaints that they were connected with ticket-selling, receiving a commission.

Q. I have heard complaints that one particular missionary here (I do not recollect the name) demanded certain privileges which the commissioners refused to grant him; was there any ground for that? A. Yes, sir; I think there was.

Q. Can you state it? A. I think a man (a very good old man, too) named Newman, had a complaint made against him, while Mr. Webster was here, that he was connected with selling tickets; and after examining into the case, Mr. Newman admitted that he had sold railroad tickets and steamship tickets, and had collected about $1,000 a year, or somewhere about that; that he thought he had a right to do it, and that the money was turned over into the funds of the society which he represented.

Q. What society did he represent? A. The Evangelical Lutheran Society; at that time the chairman of the Ward's Island committee, and myself put a stop to it; we thought that they made it more a business to sell tickets than to attend to the spiritual welfare of the people; I told Mr. Newman that if he continued in that business, I would suspend him; I did suspend him, I think, and the commissioners afterward reinstated him; he continued to be governed by my advice until six or seven months ago, when he came to me one day and said that he had been instructed by the society, or synod, to continue the practice that he had been in before, of selling tickets to emigrants and taking the commission and depositing it with the society; Mr. Newman, feeling that I would suspend him if he did so, asked my advice; I told him, after advising with Mr. Hurlbut, that we both came to the conclusion that if he did follow up this business we would dismiss him from the Garden; he told the society which he represented that he did not dare to do it; they insisted upon his doing it; he finally told them that if he did he would be removed; they told him if he did not do it they would remove him; I told him if he did we would remove him; so he did not know what to do; they had a meeting of the society, and they told him that he must do it; he said that he could not do so without violating his word to me; they then turned him out, and put another man in his place.

Q. Did the commissioners dismiss him? A. No, sir; it was his society that did it.

Q. They sent another here instead? A. Yes.

Q. How does he operate? A. I don't know; I have heard that he is acting as a sort of runner for a boarding-house across the way.

Q. You do not know? A. No; if I did, I should suspend him; they do these things under cover; I cannot get testimony so as to make use of it; I have heard men say: "Well, they all do so;" the railroad men will not blow upon them, although they pay, perhaps, 50 cents apiece on every ticket.

Q. Were you a committee appointed to draft resolutions complimentary to Mr. Casserly? A. Yes, I believe I was the sole committee.

Q. Did you draft those resolutions? A. I don't think I did; I cannot answer that question correctly.

Q. Who reported them to the commissioners? A. I think I reported them.

Q. What makes me ask this question is, Mr. Casserly claims that there was a set of resolutions adopted by the commissioners complimenting him very highly for his attention to his duties? A. I can only say from hearsay who drew them up; I did not draw them up.

Q. How came they into your possession? A. I don't recollect exactly how they did come into my possession, but I was told some time ago that Mr. Casserly drew them up himself.

Q. Who handed them to you? A. I think Mr. Casserly, but I am not positive.

By Mr. VOSBURGH:

Q. Do you know whether Mr. Newman has privileges in Castle Garden now to act as a missionary on his own account? A. He has privileges in the Garden; I think he is a most excellent man; I can tell you what he did on one occasion; last winter, and the winter before, when we had such a severe winter, and so many suffering, and the commissioners were too poor to render them the assistance they required, that man would come here often and feed 200 or 300 of these people of a night, at his own expense; he would go around and collect the money from benevolent people; and although a very poor man himself, he would feed these poor people; he did the commissioners another good service during the winter, I think, of 1874; we had an immense number of families on the island who were out of work and could not find any thing to do; a good many of them had come from the south part of Germany I had a conversation with other commissioners, and I told them that I thought that these persons, if possible, should be sent to places where the climate would be better for them than at the north; they had come from the southern part of Germany, and I thought it would be wrong to send them north, even if we could find places; I thought if we could get healthy places in the south it would be better; in a conversation with Mr. Newman, he fell right into it at once, and he thought that places could be procured for them: the commissioners thought it would be a good thing to send Mr. Newman

down south, and see if he could locate some of these people; he said that he would go provided, we would pay his expenses; I asked him how much would be required, and he said about $100; I believe the commissioners did vote or give him $100 to go down for that purpose; after he had been in South Carolina some little time, he telegraphed on that he could take 100 or 200 families — not at the expense of the commissioners, but that he had parties there who would pay the transportation; so we sent off I don't know how many hundreds of people in that way; he had found very good places for them, and when he returned, he handed back to the commissioner $60, saying that his expenses had only been $40.

Q. What privilege has Mr. Newman now? A. I guess only an advisory privilege.

Q. Is he using his position now under the same circumstances that he was when the missionary for the Evangelical Lutheran Society? A. No, he has not used it in that way for years.

Q. Is he not using his present position for similar purposes or making commissions out of the immigrants? A. No, sir; he would not do it; he is a very conscientious man; he has been here only for the benefit of the people.

Q. Do you know whether Mr. Newman is a gentleman of any property? A. I think he told me he had a little property over in Williamsburg which was very heavily mortgaged.

Q. I understand that when he came here he was a very poor man, and that now he owns three or four houses in Williamsburgh? A. No, I think not; he is to be found around the place daily, and you had better examine him if you require.

James Daly, called and sworn:

By Mr. ALVORD:

Q. You are connected with Castle Garden at this time? A. Yes, sir; I have a contract for moving the baggage.

Q. What sort of a contract is that? A. For the removal of immigrants' baggage.

Q. To what places? A. To any part of the city of New York where they desire to go.

Q. Does it embrace the removal of baggage also to the railroad depots? A. I suppose so; I am not very conversant with the details of the business; I would suggest that if the committee desire to have all the details that they should summon my foreman, who has been here for six or eight years, and he will be able to enlighten you; I am not able to go into the details myself.

Q. You are not able to go into the detais at all? A. No.

Q. Can you give me any thing like the amount of charges for the

removal of baggage which you are authorized to and do charge? A. Well, the terms of the contract as submitted to me by the committee govern; I don't know that there is any change in them from what my predecessor charged; I have left the entire arrangement of the affair to the foreman, who has been here under my predecessor, and who, I believe, has been here for some six or eight years.

Q. Is there any schedule or scale of prices? A. Yes, sir; in the contract.

Q. Where is the contract? A. I have a copy of it at home, and there ought to be a copy here.

Q. Do you know whether that does or does not differ from the contract which obtained before you got the contract? A. I understand it to be a *fac simile* of that of my predecessor.

Q. You are receiving just exactly the same compensation? A. Yes, sir; I will state here, probably what may be *apropos*, that I never directly or indirectly sought this contract.

Q. How did you get this contract? A. By resolution of the board; but I can state that I never directly or indirectly sought the contract; that I swear under oath; there may be some misapprehension about this, and hence it is due to myself that I make this statement.

Q. How did you get the appointment? A. Simply by resolution of the board; that is the only way I know of; the members of the board themselves may be able to enlighten the committee; I cannot.

Q. Where are the profits arising from the position; where are your profits? A. The profits on the amount of stock invested, I am told it may probably be worth a couple of thousand dollars in the year; I don't know myself whether it will or not it depends entirely whether any accident may happen to the stock invested or any loss of baggage, you know that I am responsible to the extent of $5,000 for any baggage taken out by me, and except we are careful we are liable now and again to meet some serious loss.

Q. You are, as I understand, the transfer baggage agent; that really is your position? A. It is a contract; I don't understand it as a position.

Q. It is a contract for transferring baggage? A. Yes.

Q. Does that involve the necessity of your investing in a permanent manner in carts and horses and men, and all that sort of thing? A. Not necessarily, but yet I think it is a more honorable manner, particularly as I am responsible.

Q. Do you farm this out, or do it yourself? A. I have taken my brother-in-law in with me in this matter; he was complaining of ill health; he is my cashier, and I have entire confidence in him, and also

in my foreman, who understands the details of the business; I come here myself every day I am in town myself, and I am particularly anxious that justice should be done to the emigrants.

Q. My question is, how do you do this business — whether you go to work and invest capital here in carts and horses and agents, or whether you hire it done? A. My brother-in-law and myself have four horses and three or four wagons; we purchased the wagons from my predecessor, Mr. Biglin; I did not purchase the horses from him; we have invested money to the extent of four horses and wagons.

Q. Do you do the whole of the work by your own men? A. No, sir; in Brooklyn, Harlem and Jersey City, there are express wagons that carry the baggage, under me; I am responsible to the commissioners for carrying the baggage to these places.

Q. Then you simply look for your commission out of this? A. That is all; but we are responsible for the baggage.

Q. You anticipate that the responsibility of these men to you is equal to your responsibility to the commissioners? A. Not necessarily; I have filed bonds for $5,000, while they file no bonds to us.

Q. You take care that they are proper, responsible men? A. As good care as possible.

Q. Are you aware of the fact, whether or not there is any difference in the prices you charge for transportation of baggage, and the prices charged by you predecessor? A. No difference, to my knowledge.

Q. You charge the prices established by the commissioners? A. Yes; that is, as far as I know.

Q. You are not aware that you predecessor charged a less price than he was authorized to charge? A. I don't know that; I have been told by the foreman, again and again, that they are frequently obliged, by the competition of outside parties, to charge much less than what is authorized by the commissioners.

Q. That you do? A. I never interfere.

Q. In reality, you know but very little about the business? A. But very little, sir; it is only two months since I got the contract; I have entire confidence in the foreman; Mr. Biglin and some of the commissioners spoke of him as being a very competent and honorable man.

Q. As a business man, do you look at the details of your business — whether it is running in debt, or making money? A. I am satisfied that I am not running in debt; I don't know what it will be during the winter months; from the aspect of the times and from what I have heard, I think that very little will be made during the winter season; and Mr. Biglin tells me that it does not pay in the winter.

Q. Are you devoting your entire time to this? A. An hour or two every day that I am in town, I come down here.

Q. Have you any other business in connection with it? A. Not any other express business, or any connection with this.

Q. Any other business that you depend upon for a living? A. I don't know that that is pertinent; I have a contract, and I perform the terms of the contract.

Q. You are not aware of the fact whether those persons in your employment are charging immigrants more than your predecessors did? A. No, sir.

Q. You are simply leaving to the foreman the right to charge the fees provided by the commissioners, and giving him a discretion to charge less where competition with outside parties requires it? A. Yes, sir; so far as a reduction from the terms of the contract; there has been no single complaint made, so far as I know, except that there was one case up the day before yesterday where a man charged a dollar instead of 80 cents; a complaint was made, the 20 cents was refunded, and the man was discharged; any one who attempts to violate the terms of the contract, he will not remain longer than the time we ascertain that fact.

Q. You talk about outisde parties; what right have they in conflict with your contract? A. As I said, in the beginning, I am not very conversant with the details—not sufficiently so to enlighten the committee—but any immigrant has a right to go outside and engage the services of any other express company that he sees fit.

Q. Then the express companies themselves have no right to come within the limits of the Garden, but it depends entirely upon the sharpness of the party inside, who owns the baggage, whether he can make a better bargain than according to the terms of your contract?

A. He is at liberty to do so, if he wishes.

Q. But no other express company than yours has a right to come inside of the Garden, and solicit immigrants? A. That is as I understand it.

Q. And were these parties, having that right, go outside and get their baggage carried at less price than the terms of your contract, then, yours has a right to reduce the cost in competition with these outsiders? A. Yes, sir.

By Mr. VOSBURGH:

Q. You remarked to Governor Alvord that this position was entirely unsought by you? A; Directly or indirectly.

Q. Did you have any intimation that your name was mentioned in

connection with this contract, before the resolution was passed? A. I may have had an intimation of it.

Q. From whom? A. If the committee think it will subserve the purposes of the inquiry for me to answer that, I can do so; but I hardly think it will.

Q. Was it one of the commissioners? A. No, sir.

Q. Or any of the officers of the commission? A. Not that I know of: all that I can answer is simply that I neither directly nor indirectly, through friends or otherwise, solicited the appointment.

Q. Do you attribute any special reasons for the commissioners of emigration giving you the contract voluntarily? A. I respectfully suggest that for information of that kind you should ask the members of the board; they can tell their motives better than I can.

By Mr. WAEHNER:

Q. There is one question that I desire to ask, and that is, whether you convey the sick immigrants to Ward's Island? A. Yes, sir; I believe so.

Q. Do you convey small-pox patients? A. I cannot state.

Q. Do you receive a salary or a stated price per year for doing this? A. I am paid at the rate of $5, below Fiftieth street, and $10 for any thing above that, I think.

Q. You do not know what was paid heretofore? A. I don't know; I believe these were the terms of the previous contract held by Mr. Biglin.

By Mr. ALVORD:

Q. You have been a member of the legislature from the city of New York? A. Yes, sir, for the last two terms.

Q. And you have endeavored to render yourself conversant with the subject of immigration, and its connection with the interests of the city? A. To some extent.

Q. And you have been, to some extent, connected as a contractor with Castle Garden for two or three months? A. Yes.

Q. Now what is your opinion with reference to the duty of the state, to protect immigrants arriving in the city? A. You mean should it be a self-sustaining institution?

Q. Yes; whether it should be a self-sustaining institution, or an incubus upon the tax payers? A. I think it should be self-sustaining; of course, I only give my opinion.

Q. Well, your opinion is entitled to some consideration; we are to look upon a firm and solid basis for the future; and from your observation and all the information you can get, do you believe that

within a reasonable amount the head-money has any thing to do with the volume of immigration? A. After due consideration of that subject, I think it scarcely affects it, because the different steamship companies will not regulate their rate of passage by the rate of *per capita* tax; it is entirely controlled by competition.

Q. If the *per capita* tax is held within the limit that it has ever reached at this port, do you think that it would make any difference in the volume of immigration, or in the cost to the immigrant? A. Not any perceptible difference, that I can see.

On motion, the committee adjourned to 10:30 o'clock to-morrow morning.

NEW YORK, *September* 2, 1875.

The committee met pursuant to adjournment, at 10:30 A. M.

Present — Hon. Jeremiah McGuire, Chairman; Messrs. Alvord, Gedney, Vosburgh, and Waehner.

Robert Newman, called and sworn:

By Mr. WAEHNER:

Q. Were you at one time connected with this commission as a missionary for a certain society in this society? A. I have been here for ten and one half years, and I am still here.

Q. In what capacity are you here now? A. In my own capacity, as a minister, only my relations have been changed.

Q. Your appointment originally was as missionary to look after the welfare of the emigrants here at this garden? A. Yes, sir.

Q. Was that appointment at any time revoked by your society? A. Yes; by the committee; you know the committee changes—the members or trustees change; it is a legislative body; when the last committee was appointed by the general counsel, my relation with them was dissolved; but the first action was taken on my part to have it dissolved.

Q. State to the committee what was the cause of that dissolution? A. When I was called to my place here, ten years ago, the first question I asked was, if I had to go here for a business purpose or a runner's purpose, or any such purpose; that in such a case I was not the proper man for it, because I was a minister of the gospel, and for such purposes I accepted my calling; well, I came here and

worked in the same way to have services for the immigrants; I have had services here in the hall, No. 5 Battery place, for years; and I must say, that according to my experience, it was a great blessing for these poor immigrants.

Q. That is not exactly what I am calling for; the question I asked is, what was the cause of your dissolution with your society? A. You will excuse my remarks; but I saw in the papers something as if it was charged that I cared more for the business of selling tickets and for commissions; and I wanted only to remark how I have worked as a real minister of the gospel.

Q. You read the evidence in the papers, no doubt, given by Mr. Starr, in which he stated that after he had admonished you against selling tickets, or enjoined you not to sell tickets, you had stated that your society had directed you to do this; that then you went to your society and told them you had been enjoined about carrying on this business, and that they told you to go on and continue doing it; that in consequence of your refusing to go on selling tickets and acting in the same way as a runner to a boarding house, you were discharged; now, what we want to get at is whether that evidence is correct? A. Partly it is.

Q. Explain to the committee what the whole transaction was, in brief? A. I have accepted commissions for some years, because it was a regular custom, and done by others who have been here working as missionaries and so on, and under a resolution of the committee; but it was, under my care, never made a matter of selling tickets, it was only that I had the confidence of our people, who either sent their money to me to assist their friends when they arrived, or there were poor families that had not the means of getting along to their friends; and at that time the commissioners of emigration did not advance money or tickets to those families; then they had to lie at Castle Garden or to be sent to Ward's Island for weeks or months, waiting for money to come from their friends; in such cases, with the credit that I had with the raflroads, they advanced the tickets until I could get the money back from their friends, and that was a real benefit to the poor and a great saving to this commission; it was never done for other purposes on my part; I have a certificate here, if you wish to read it, from the chairman and president of the commission in former years.

Q. Your practice, in regard to this matter, was sanctioned by your society? A. Yes; but then it was changed by the new committee; that is the way it happened; but according to my experience I feel that, after all, it was not good to accept the commissions, and I stopped it a year ago or more, and at the general council, at Jamestown, in the state of New York, I proposed to have the taking of

commissions abolished altogether, and not to continue it; the system, as I used it, was working for the benefit of the poor, but the general way that it is worked is more of a harm to immigrants, because all the runners are around them for the purpose of making money on commissions; instead of having it abolished, the new council passed a resolution, asking me to seek and receive all rightful commissions from railroad companies and steamship companies, and transfer the same to the treasurer; I have here the two resolutions that made our difficulty.

Q. The question now is, whether you are still engaged in selling these tickets on commission? A. I stopped it more than a year ago; there has been a new committee formed now, and my express condition was that if I should go on as a missionary, or to work for the people, I was to have no money interest, directly or indirectly, in any form or way; that is the only condition I would go on here upon.

By Mr. ALVORD:

Q. What was the commission you received? A. On railroad tickets and from steamship companies; you can also get a commission from the brokers or boarding-house keepers; it has been offered to me, but not accepted.

Q. There are commissions offered to you by certain steamboat and railroad companies, to procure from them tickets to send your people into the interior? A. Yes.

Q. Did you follow that system for some time? A. I did.

Q. For how long? A. A couple of years.

Q. How long is it since you ceased to do it? A. About a year and a half.

Q. About a year and a half from now you ceased to do so? A. Yes.

Q. Was it because of the complaint on the part of the commissioners of immigration, in the first place? A. No; it was from my own impulse; but Mr. Starr remarked that there were some charges; that was when Mr. Webster came here; he did not know about the thing; I never had any secret about it; the commissioners of emigration knew that I did it only in the interests of the poor people; I have spent most of this money for the poor immigrants.

Q. I want to know whether the commissioners of emigration, at the time that you finally concluded that this was not a right proceeding, also agreed, and so stated to you, that they could not permit it longer to exist? A. I showed the resolutions to Mr. Starr, who was the temporary chairman, and he stated that the commissioners would absolutely forbid our receiving any commissions.

Q. Absolutely forbid your receiving commissions? A. Yes, and sending emigrants to a certain boarding-house — that was one of the resolutions of the council — that I came into the position of a runner.

Q. This having been stopped at that time, I want to ask in regard to the matter before that time; where did this money that you received by way of commissions on tickets or a commission on the arrival of passengers at any boarding-house, go? A. I never received any commission except on such tickets as I have stated that had been transferred to me.

Q. It was only on tickets that you received commissions? A. Yes.

Q. And that upon railroad tickets? A. Yes.

Q. Where did the money go? A. Some hundreds of these dollars were lost, because there were many poor who could not refund it; and then $400 or $500 of it was spend for feeding and helping the poor in some way or other; in this way it was mostly spent.

Q. What was your position here; was it that of a salaried officer? A. I was placed here as a minister, and to care for the temporal and spiritual welfare of the people; I had a fixed salary from that committee.

Q. Did any amount beyond and above your fixed salary go into your pocket, growing out of this commissions? A. Never a cent; I had no personal interest in any thing of that kind, from the boarding-houses or the railroad companies, or any other interest.

Q. So I understand; but you received commissions; I want to know whether any portion of these commissions beyond the amount of your salary ever went into your pocket? A. No, sir; if any thing was left, it went to the society.

Q. In the first place, it went to make up the deficit in paying tickets for forwarding poor people, and in the next place a considerable portion went to the support of the needy immigrants in the garden; I want to find out whether you received any of this money yourself? A. No, sir.

Q. Are you an accredited missionary for that portion of your people now? A. Not from the synod, but from a portion of our people.

Q. Have you now, or have you been for a year and a half, in the practice of taking commissions for any purpose whatever? A. No, sir; where any benefit was gained it went to the immigrant poor.

Q. In other words, if you bought a ticket for an immigrant below the price it would ordinarily cost, you gave the immigrant the benefit? A. I never did it in this way; I would feel ashamed to take commissions in that way.

Q. You speak of what you did do; I am now talking of what you do now? A. I have not done it now; I consider it now specially

wrong, because, so far as I know, the railroads last summer abolished the system of commission by a contract among themselves, and I could not well do any thing secretly or that I could not do honestly and openly.

Q. You have been attached to this institution for the last 10 years; do you or not believe, taking your knowledge of the affairs of the institution, that it should be conducted at the expense of immigration or at the expense of the people of the state — which? A. Certainly on the principle of the head-money; I think that should sustain the institution.

Q. Do you believe that any addition to the head-money sufficient to meet the necessities and wants of this locality in administering the affairs of the immigrants would absolutely reduce the volume of immigration? A. No, sir; I don't believe it would.

Q. It would not affect it at all? A. Not at all, in my opinion.

Q. Would it divert the volume of immigration to any other port from that of New York? A. I don't think it would, if the thing is properly understood — the accommodation that the immigrant gets in this port.

Q. Is it not true that the people coming here are advised by their friends on this side, and are so educated in regard to the great benefits and advantages of this port of New York, growing out of the administration of this institution that they come here as a matter of course? A. They come here, I think, as a matter of course, and I have found many people who are disappointed by the agents when they found that they were sent to Boston, for instance; I have seen many cases of that kind, where they supposed they were going, or wanted to go to this port, and were sent by the agents to Boston or elsewhere.

Q. They did not like that? A. No, sir; they felt disappointed.

Q. Did it make any difference in the cost of their transportation to them — do they come for less by coming by the way of Boston and then by rail to New York, than if they had come directly here? A. I cannot well say that — whether it made any difference.

Q. You were never aware of any difference? A. No; I was not aware of any, and I did not hear from the immigrants that they had come for a lower price.

Q. Then you think that with the general knowledge in Europe of the facilities and advantages given at Castle Garden to the immigrants, that these are sufficient to cause them to come here, notwithstanding the head-money should be increased? A. Decidedly, that is my opinion; and I wonder that under the present circumstances, the head-money has not been increased, for instance, 50 cents, on the other hand, I have been pleased to see how the interests of the immigrants have been cared for in that respect — that the legislature

feels hard about putting even 50 cents on the immigrants; and if all things were carried on in that way, for instance in the boarding-houses, and in other ways, and if every 50 cents was saved to the immigrants, it would be better.

By Mr. VOSBURGH:

Q. You think this institution should be self-supporting from the head-money raised from the steamship companies? A. Yes, sir.

Q. You have been connected with the institution for about 10 years? A. Yes.

Q. What proportion of the immigration coming to this port do you think remains in this state? A. As a general rule, I should say, on the average, a good many of the poor.

Q. What proportion of the immigration coming to this port remains in the state of New York? A. That is hard to say; but I think you can get that from estimates made in the books at Castle Garden.

Q. Have you ever heard of that estimate? A. I may have talked about it.

Q. Do you think that there is 25 per cent remains? A. Yes, sir; I think so, if not more.

Q. Do you think it is right for the state of New York to pass a law to tax the steamship companies for immigrants who merely make a landing here, and then go west? A. That is a question I have sometimes felt difficulty about; and so far as I know, the courts have decided against that, and for that reason it is not called "head-money," but "commutation-money." But on the other hand, I think that even the immigrants who are going through — landing here and going through would not complain so much about the 50 cents, because they have a safe landing and safe transportation through here; they have their benefits also, anyhow.

Q. But, as I take it, the head-money of $2 or $2.50 the immigrant pays no portion of it? A. It is included in the passage-money.

Q. It does not affect the price of the passage-money at all? A. No; but it comes from the passage-money.

Q. If the head-money is increased here, the steamship companies do not put on a corresponding amount on the passage-money? A. No.

Q. Therefore the immigrant does not feel any effect of it, whether there is an increase or decrease of the head-money; then I ask whether you think the steamship companies should be taxed for immigrants who are not left in the state of New York? A. I cannot say about that.

By Mr. GEDNEY:

Q. I understand from your remarks, that if the immigrant should be directly taxed, so that he knew that he paid this head-money, he would yet consider it his advantage, if he was going out of the state, merely landing here, to pass by the way of Castle Garden; that it would be a benefit to him to pay, rather than to land at other ports not having the protection of this commission? A. Well, if the immigrant was intelligent enough to know the benefits here of this institution, I have no doubt he would do so; but most of these people are merely like children.

Q. But not having that knowledge, you think that it is to their advantage to pay the head-money, rather than go without the benefits of this institution? A. It is my opinion, decidedly.

Q. That is, passing into the port of New York with its present facilities, as compared with the arrangement in other ports? A. Yes, sir; I know that in the principle they are wrong; I felt that years ago; I have compared it with the tax which was exacted by the king of Denmark on vessels passing through the sound; but, practically, there ought to be such a provision wherever the immigrant comes from; I don't know what the consequence would be if all these people were cast out of here without provision or protection; but then, again, I don't know as to the system; I have my little doubts in regard to the working of the system; you see, the people going out into different states are often inclined to come back and go toward the island — at least the lazy part of them; for instance, the day before yesterday I found a man down in the hospital sick; he is one of the 206 that went down the winter before last to South Carolina, and had had quite a good place there, but he came up here and is here again; he is now sorry that he left the south; but he is here on the hands of the commission, and the commission paid once his passage down of $8; the regular fare was $12, but I got it reduced one-third; I have seen that the commission has been charged with extravagance, but I have worked in the matter a good deal, and these things have been worked most economically, so far as I have had a hand in it; I don't know how it could be done cheaper; for instance, in feeding the poor in the winter, I fed a couple of hundred last Christmas day; many of them were fathers, who had their families still in the old country; Mr. Starr saw what I did; and then for New Year's, the commissioners gave them a warm supper, and then on specially cold days, when they had much to suffer, they had a warm supper; but the soup meat we got from the butchers here for nothing, and the commissioners gave a half a loaf of bread to each; I don't know how any thing could be done cheaper than that; if you will allow me to remark, I see it is stated that in

the administration of the present commission, the pro rata expenses on Ward's Island were more than formerly; I wish to remark that this commission paid for about 236, who were taken from Ward's Island and sent south, in order to get them work; the commission paid $8 per head for the passage down, and for that money there was no just equivalent of days in Ward's Island, because the money was spent to get them out of Ward's Island; I think that, if that is brought into account, it will show that the expenses are not more, under this commission, than what they had been before

By Mr. VOSBURGH:

Q. They are less now—since last June? A. Yes, sir, I can say one thing more; Castle Garden as it is now, and as it was ten years ago, is a very different thing; for my part, I thank God that it is now as it is, as compared with what it was.

By Mr. ALVORD:

Q. And you hope still for better things? A. Yes, in many cases, especially in the boarding-house and running system some improvement might be made; in regard to commissions, in my opinion, every money interest should be excluded from the missionary work, because if the immigrant cannot apply to a minister without he has some money interest, I don't know to whom he can apply.

Adjourned.

NEW YORK, *September* 2, 1875.

The committee met at Castle Garden at 10:30 A. M.

Present — Hon. JEREMIAH MCGUIRE, Chairman; Messrs. WAEHNER, ALVORD, VOSBURGH and GEDNEY.

Theodore E. Leeds, called and sworn:

By Mr. WAEHNER:

Q. What is your position? A. Secretary to the commissioners of Quarantine.

Q. How long have you been connected with that commission? A. Since the 17th of March, 1873.

Q. Who was your predecessor? A. Frank E. Howard.

Q. Do you know where he now resides? A. Except that he is in Brooklyn—that he had residence in Brooklyn.

Q. Do you know who his predecessor was? A. H. W. Johnson; I think he was counsel and secretary combined.

Q. Now, what books of the commissioners of quarantine are in your charge or custody? A. The journal, the ledger relating to what we call the construction of buildings on the island in the lower bay; then the regular books of the commission.

Q. How long back do these books go? A. The construction books to 1866, and the other books to 1870.

Q. Do you know where the books are prior to 1870? A. I do not; with the exception of the construction account, there is nothing in the office prior to 1870.

Q. Do you know who has the custody or charge of those, or what has become of them? A. No, sir; that is all that was left at the time that I came; and I remarked it at the time, and the commissioners did also.

Q. Are there any vouchers in your office showing the amount expended for construction and other purposes since you have been connected with the commission — are there any vouchers kept on file? A. Yes, sir; there is a fair proportion of duplicate bills; I might almost say they are all there, and also a book in which I copy every bill that is paid by the commissioners; I should state that the book I speak of in which I copy the bills has not been kept in relation to the construction account; that account was only three months in the present commission, when its power was vested in the health officer, and he kept his own books, except so far as to send me a memorandum which I entered on the regular books; that is, he kept his own account of payments.

Q. Have you searched in the office to ascertain whether any of the vouchers for construction purposes are on file in the office since 1864, or any duplicate bills? A. No, sir; I cannot say, except my general belief that there is nothing more prior to 1870.

Q. No vouchers or books? A. The books of the construction account run back to 1866.

Q. But no vouchers showing the amount expended or to whom paid? A. No, sir.

Q. What will the construction books show? A. The names of the parties to whom money was paid, and the amount paid.

Q. And the items paid? A. No, sir.

Q. Simply the amount paid and to whom? A. Yes, sir; and it will mention if it was paid on a contract.

Q. I wish you would produce the book before the committee to-morrow morning? A. I will.

Q. Who were the commissioners of quarantine preceding the present commissioners? A. Richard Schell, A. V. Bell and Samuel Barton.

Q. Now, at the same time, I wish that you would make a memorandum to look for any vouchers or bills that may be there? A. I will.

Q. Do I understand you to say that the health officer files with you also bills for construction purposes? A. Yes, sir.

Q. Have you any of those bills with you to-day? A. No, sir; I have his account, and I have a copy showing the names of the parties to whom he paid money and the amount paid, with a little synopsis of what it was for, whether for contract or work and material.

Q. Are there or not any other contracts on file in your office? A. I am inclined to think there are; you are aware that the vouchers of the construction account have been sent to the comptroller.

Q. Have you any statistics with you, showing what the cost of the construction of Dix Island was? A. No, sir, I have not.

Q. I wish you would furnish the committee with a statement showing how much was expended there, and also on Hoffman Island? A. Yes, sir.

Mr. Waehner here produced letter and a statement from the comptroller's office of the appropriation by the legislature for various purposes to quarantine, from 1864 to 1875, both inclusive. Marked Exhibit A, on Quarantine, Sept. 2 1875, A. F. W

STATE OF NEW YORK:

COMPTROLLER'S OFFICE,
ALBANY, *August* 4, 1875.

Hon. GEO. W. SCHUYLER, ITHACA, N. Y.

Dear Sir — In compliance with your requisition of July 19th, I inclose you herewith two tabular statements. The first, showing the appropriations for all purposes, in any way relating to quarantine, from 1864 to 1875, both inclusive — classified according to objects, and giving the years in which they were made. The second table shows the payments from the treasury on account of these various appropriations, from January 1, 1864, to July 1, 1875, similarly classified.

You will notice that the payments for refitting, furnishing, etc., of the health officer's residence exceed the amount specifically appropriated to that object. In explanation of this discrepancy, I refer you to the appropriation of $200,000 to the construction board, per chapter 492, Laws of 1870, page 1106, which contains this provision: "Fourth, to defray the expense of providing, fitting up and furnishing a residence for the health officer," etc., etc. As no specific amount was mentioned for that particular purpose, the $200,000 was carried to the construction account in the table of appropriations.

In the table of payments, you will observe that the total in the con-

struction column is less than the aggregate of appropriations by $25,919.30, whilst the excess in payments for the health officer's residence, etc., over appropriations is $25,208.29, leaving an unexpended balance of $711.01, which has reverted to the treasury.

In a conversation subsequent to your written requisition for information, you expressed a desire to know the cost of the structures on the two islands, or of those erected on what is known as Island No. 2, if I understood you correctly. I have made examination of the books with a view of furnishing this also, but I find it impracticable, unless a careful examination of the vouchers is made, which will take much time.

During the life of the construction board, it was customary to make advances to the treasurer, which were subsequently accounted for by vouchers. These advances amounted in the aggregate to nearly $250,000. In addition to the payments made direct to the contractors, which could be ascertained without very much trouble, it would be necessary to go carefully over all the vouchers of the treasurer of the construction board, in order to determine what part of this $250,000, more or less, was expended for or is properly chargeable to the construction account. In view of this fact, I hope the information we have given you will be sufficient for your present purpose. If not, I will do the best I can to facilitate your investigation, by giving any additional facts, provided sufficient time is given us for the purpose.

Respectfully yours,

HENRY GALLIEN,
2nd Dep. Compt.

EXHIBIT A.

STATEMENT of Appropriations by the legislature for various purposes relating to quarantine, from 1864 *to* 1875, *both inclusive.*

1864.

Maintenance	$50,000 00
Miscellaneous, viz.: A. N. Gunn, health officer, for repayment of expenses incurred in conducting quarantine, etc., in 1863	8,056 00
	$58,056 00

1865.

Maintenance	$45,000 00
Commission on jurisdiction	1,000 00
Miscellaneous, viz.: For fencing lands on Staten Island, known as the Marine hospital grounds	2,000 00
	$48,000 00

1866.

Maintenance		$75,000 00
Construction		400,000 00
Salaries of commissioners		10,950 00
Police		3,204 79
Commission on jurisdiction		2,000 00
Miscellaneous, viz.: A. N. Gunn, for the chartering of a steamboat for quarantine service in 1863		5,117 00
		$496,271 79

1867.

Maintenance		$75,000 00
Construction	$50,000 00*	
Salaries of commissioners		15,000 00
Police		6,500 00
Commission on jurisdiction		1,500 00
		$98,000 00

1868.

Maintenance		$50,000 00
Construction		50 000 00
Salaries of commissioners		7,500 00
Police		6,012 00
Commission on jurisdiction		4,000 00
Miscellaneous, viz.: James R. Allaben, for salary, and expenses as commissioner of quarantine, chapter 717, Laws of 1868	$2,721 93	
Wm. A. Cobb, for expenses in prosecuting a suit against James R. Allaben, including judgment for costs, etc., chapter 717 Laws of 1868	1,228 29	
		3,950 22
		$121,462 22

1869.

Maintenance	$50,000 00
Construction	132,491 00
Salaries of commissioners	7,500 00
Police	7,000 00
Commission on jurisdiction	1,500 00

* Re-appropriated in 1869, with amendments, and included in that year, hence excluded from footings in this year.

Miscellaneous, viz.: For services and expenses in proceedings to acquire title to a part of Coney Island, pursuant to chapter 717, Laws of 1868		$6,965 70
		$205,456 70

1870.

Maintenance		$50,000 00
Construction	$200,000 00	
Construction, viz.: To Francis Swift for increased cost in constructing foundation of quarantine hospital at West Bank, chapter 492, Laws of 1870	48,500 00	
		248,500 00
Salaries of commissioners		7,500 00
Police		5,000 00
Commission on jurisdiction		3,000 00
Miscellaneous, viz.: For expenses incurred in the action brought to recover possession of a portion of the Marine hospital grounds, after the same were sold by the state	$1,500 00	
B. Hendrickson & Co., lessees of the town of Gravesend, to pay the expenses incurred by them in consequence of the proceedings to take part of Coney Island for quarantine purposes	6,750 00	
Jaques J. Stilwell, supervisor of town of Gravesend, expenses as in next above	6,000 00	
		14,250 00
		$328,250 00

NOTE. — Chapter 481, Laws of 1867, appropriated $25,000 for the construction of the necessary docks and buildings for a boarding and landing station on Coney Island, and paying for the site thereof. Chapter 717, Laws of 1868, appropriated $25,000 for a site on Coney Island and to erect residences for the officers, etc. engaged in the administration of quarantine, *in lieu of sum appropriated by chapter* 481, *Laws of* 1867, *for the construction of docks, etc.* The appropriation last referred to, was *annulled* by chapter 822, Laws of 1869, after deducting expenses incurred ($6,965.70), and all proceedings to acquire site discontinued and abandonded. The amount *expended* has been treated here as the amount *appropriated*

1871.

Maintenance, including $10,400 for repairing and providing boilers for steamboat And'w Fletcher and Gov. Fenton, and $15,000 for fitting up the "Illinois,"		$85,400 00
Construction		200,000 00
Salaries of commissioners.....		7,500 00
Police		5,000 00
Commission on jurisdiction.....		3,000 00
Health officer's residence, etc., viz.: Thomas H. Farron, for material furnished and labor paid for in the improvement of the quarantine grounds at Staten Island, the alteration, refitting and furnishing of the residence of the health officer and his attendants	$12,596 53	
Thos. H. Farron, for "personal services,"	5,000 00	
For rent and keeping in order that portion of the quarantine establishment leased by the commissioners, etc. (health officer's residence).....	12,000 00	
		29,596 53
Miscellaneous, viz.: George W. Wilson, lessee of docks at Coney Island, for expenses incurred by him in consequence of the proceedings to take part of Coney Island for quarantine purposes.....		3,000 00
		$333,496 53

1872.

Maintenance, including $20,379.07 for fitting up the "Illinois," $11,516.18 for repairs of steamboats "Andrew Fletcher" and "Governor Fenton," and $17,849.62 on account of cholera indebtedness.....	$105,744 87
Construction	190,000 00
Salaries of commissioners.....	7,500 00
Police	4,000 00
Commission on jurisdiction.....	3,000 00
Health officer's residence, rent and keeping in order grounds, etc.....	15,000 00
	$325,244 87

1873.

Maintenance, including $60,000 for site for boarding station, $60,000 for boarding-station buildings, erection of bulk-heads, piers and docks, grading, etc., etc., $30,000 for new steamboat	$210,000 00
Construction	30,000 00
Salaries of commissioners	7,500 00
Police	4,000 00
Commission on jurisdiction	3,000 00
Health officer's residence, rent and keeping grounds in order, etc	15,000 00
Miscellaneous, viz.: For labor and expenses incurred by the state engineer and surveyor in making survey and estimate of Quarantine Island No. 2, in the lower bay of New York, pursuant to resolution of the assembly of 1872, chapter 760, Laws of 1873	1,150 00
	$270,650 00

1874.

Maintenance, including $15,000 for completing boarding station	$70,000 00
Salaries of commissioners	7,500 00
Police	4,000 00
Commission on jurisdiction	3,000 00
Miscellaneous, viz.: For fencing the state property at Seguin's Point, etc	1,000 00
	$85,500 00

1875.

Maintenance	$50,000 00
Salaries of commissioners	7,500 00
Police	4,000 00
Commission on jurisdiction	3,000 00
	$64,500 00

Recapitulation of appropriations for Quarantine purposes, 1864 to 1875, inclusive.

YEAR.	Maintenance.	Construction.	Salaries of commissioners.	Police.	Commission on jurisdiction.	Rent, alteration, refitting and furnishing of Health Officer's residence.	Miscellaneous.	Total.
1864	$50,000 00						$8,056 00	$58,056 00
1865	45,000 00				$1,000 00		2,000 00	48,000 00
1866	75,000 00	$400,000 00	$10,950 00	$3,204 79	2,000 00		5,117 00	496,271 79
1867	75,000 00	*50,000 00	15,000 00	6,500 00	1,500 00			98,000 00
1868	50,000 00	50,000 00	7,500 00	6,012 00	4,000 00		3,950 22	121,462 22
1869	50,000 00	132,491 00	7,500 00	7,000 00	1,500 00		6,965 70	205,456 70
1870	50,000 00	248,500 00	7,500 00	5,000 00	3,000 00		14,250 00	328,250 00
1871	85,400 00	200,000 00	7,500 00	5,000 00	3,000 00	$29,596 53	3,000 00	333,496 53
1872	105,744 87	190,000 00	7,500 00	4,000 00	3,000 00	15,000 00		325,244 87
1873	210,000 00	30,000 00	7,500 00	4,000 00	3,000 00	15,000 00	1,150 00	270,650 00
1874	70,000 00		7,500 00	4,000-00	3,000 00		1,000 00	85,500 00
1875	50,000 00		7,500 00	4,000 00	3,000 00			64,500 00
Totals	$916,144 87	$1,250,991 00	$85,950 00	$48,716 79	$28,000 00	$59,596 53	$45,488 92	$2,434,888 11

* Re-appropriated and included in 1869, and hence excluded from footings.

ALBANY, *August* 4, 1875

HENRY GALLIEN *2nd Deputy Comptroller.*

[Also produces a statement of payments from the state treasurer for various purposes, relating to quarantine, from January 1, 1864, to June 1, 1875, both inclusive, marked Exhibit B, on quarantine, September 2,1875, A. F. W.]

EXHIBIT B.

Statement of payments from the State Treasurer for various purposes relating to Quarantine from January 1, 1864, *to July* 1, 1875.

1864.

Maintenance, including $20,000 for propeller		$42,159 26
Miscellaneous, viz.: Geo. W. Patterson, for services and expenses as commissioner for the removal of the quarantine station, in 1862 and 1863	$192 23	
A. N. Gunn, health officer, for repayment of expenses incurred in conducting quarantine, etc., in 1863	8,056 00	
Geo. M. Root, for survey and map of the quarantine grounds on Staten Island	30 00	
		8,278 23
		$50,437 49

1865.

Maintenance	$50,240 10

1866.

Maintenance		$72,596 87
Construction		11,385 05
Salaries of commissioners		1,875 00
Commission on jurisdiction		2,477 22
Police		3,204 79
Miscellaneous, viz.: John Swinburne, health officer for expenses incurred in fencing in lands on Staten Island, known as the Marine Hospital grounds	$2,000 00	
A. N. Gunn, for expenses incurred in chartering of a steamboat for quarantine service in 1863	4,500 00	
		6,500 00
		$98,038 93

1867

Maintenance, including $25,000 for steamboat		$70,000 00
Construction		4,500 00
Salaries of commissioners		14,375 00
Commission on jurisdiction		1,122 78
Police		6,342 10
		$96,339 88

1868.

Maintainance		$40,000 00
Construction		181,380 88
Salaries of commissioners		8,125 00
Commission on jurisdiction		377 00
Police		6,011 95
Miscellaneous, viz.: James R. Allaben, for salary as commissioner of quarantine and expenses in suit	$2,721 93	
Wm. A. Cobb, for expenses incurred in prosecuting a suit against James R. Allaben, defending his appointment as commissioner, etc	1,228 29	
		3,950 22
		$239,845 05

1869.

Maintenance		$45,000 00
Construction		272,734 07
Salaries of commissioner		7,500 00
Commission on jurisdiction		3,900 00
Police		6,395 44
Miscellaneous, viz.: Henry W. Johnson, for professional services and disbursements as attorney and counsel in proceedings to acquire title to a part of Coney Island, pursuant to the provisions of chapter 717, Laws of 1868	$5,794 70	
For services and expenses in same matter:		
Chas. P. Reckland, commissioner	621 00	
Wm. H. Leonard, commissioner	150 00	
Hugh Smith, commissioner	150 00	
D. Hawley, attorney	250 00	
		6,965 70
		$342,495 21

1870.

Maintenance		$55,000 00
Construction		210,053 38
Salaries of commissioners		7,849 32
Commission on jurisdiction		3,000 00
Health officer's residence, viz.: fitting up, furnishing, etc.		14,146 89
Police		594 76
Miscellaneous, viz.: B. Hendrickson & Co., for expenses incurred by them as lessees of the town of Gravesend in consequence of the proceedings to take a part of Coney Island for quarantine purposes	$1,590 50	
Jaques J. Stillwell, supervisor of town of Gravesend, for expenses in same matter	6,000 00	
Michael N. Weiner for expenses incurred by himself and Stephen F. Shortland in an action brought by them to recover a portion of the marine hospital grounds after the same were sold to them by the state	1,500 00	
		9,090 50
		$299,734 85

1871.

Maintenance	$90,389 38
Construction	203,668 58
Salaries of commissioners	7,500 00
Commission on jurisdiction	4,200 00
Health officer's residence, rent, alteration, fitting up, furnishing and care of grounds	32,032 93
Police	6,538 39
Miscellaneous, viz.: George W. Wilson, lessee of docks at Coney Island for expenses incurred by him in consequence of the proceedings to take a part of Coney Island for quarantine purposes	3,000 00
	$347,329 28

1872.

Maintenance	$109,162 51
Construction	103,635 47
Salaries of commissioners	7,500 00
Commission on jurisdiction	3,000 00
Health officer's residence, rent, etc., etc	13,206 77
Police	4,999 80
	$241,504 55

1873.

Maintenance	$163,416 43
Construction	174,236 78
Salaries of commissioners	7,500 00
Commission on jurisdiction	1,000 00
Health officer's residence, rent, etc., etc	14,043 23
Police	3,983 69
Miscellaneous, viz.: Wm. B. Taylor, state engineer and surveyor, for labor and expenses incurred in making survey and estimate of Quarantine Island No. 2, in the lower bay of New York, pursuant to resolution of the assembly, adopted in 1872	1,149 00
	$365,329 13

1874.

Maintenance	$124,091 19
Construction	63,477 49
Salaries of commissioners	$7,500 00
Commission on jurisdiction	4,000 00
Health officer's residence, rent, etc., etc	11,375 00
Police	4,039 84
Miscellaneous, S. O. Vanderpoel, health officer, for fencing state property at Seguin's Point	1,000 00
	$215,483 52

1875.

Maintenance	$23,000 00
Salaries of commissioners	5,625 00
Commission on jurisdiction	1,000 00
Police	2,673 23
	$32,298 23

Recapitulation of payments for Quarantine purposes, from January 1, 1864, to July 1, 1875.

YEAR.	Maintenance.	Construction.	Salaries of commissioners.	Commission on jurisdiction.	Rent, alteration, refitting and furnishing Health Officer's residence, care of grounds, etc.	Police.	Miscellaneous.	Total.
1864	$42,159 26						$8,278 23	$50,437 49
1865	50,240 10							50,240 10
1866	72,596 87	$11,385 05	$1,875 00	$2,477 22		$3,204 79	6,500 00	98,038 93
1867	70,000 00	4,500 00	14,375 00	1,122 78		6,342 10		96,339 88
1868	40,000 00	181,380 88	8,125 00	377 00		6,011 95	3,950 22	239,845 05
1869	45,000 00	272,734 07	7,500 00	3,900 00		6,395 44	6,965 70	342,495 21
1870	55,000 00	210,053 38	7,849 32	3,000 00	$14,146 89	594 76	9,090 50	299,734 85
1871	90,389 38	203,668 58	7,500 00	4,200 00	32,032 93	6,538 39	3,000 00	347,329 28
1872	109,162 51	105,635 47	7,500 00	3,000 00	13,206 77	4,999 80		241,504 55
1873	163,416 43	174,236 78	7,500 00	1,000 00	14,043 23	3,983 69	1,149 00	365,329 13
1874	124,091 19	63,477 49	7,500 00	4,000 00	11,375 00	4,039 84	1,000 00	215,483 52
1875	23,000 00		5,625 00	1,000 00		2,673 23		32,298 23
Totals	$885,055 74	$1,225,071 70	$75,349 32	$24,077 00	$84,804 82	$44,783 99	$39,933 65	$2,379,076 22

ALBANY *August* 4, 1875.

HENRY GALLIEN, *2nd Deputy Comptroller.*

Q. Now, are there any books or accounts in your office of the commissioners appointed by the state upon the boundaries of quarantine, between the state of New York and the state of New Jersey? A. No, sir.

Q. None, whatever? A. No, sir.

Q. What accounts have you brought with you here to-day? A. The construction account from March, 1873, to its close, with the contracts.

Q. Will you please also to bring the quarantine reports for 1869 to 1875, inclusive? A. Yes, sir.

On motion, the committee adjourned to to-morrow, Sept. 3, 1875, at 10.30 A. M.

NEW YORK, *Sept.* 3, 1875.

The committee met pursuant to adjournment, at 10.30 A. M.

Present — Hon. Jeremiah McGuire, Chairman; Messrs. Waehner, Alvord, Vosburgh and Gedney.

Theodore E. Leeds — Examination continued:

By Mr. WAEHNER:

Q. Have you prepared the statement as requested? A. I have prepared a statement of payments to Francis Swift; that was as far as I could get from the books; in this statement, I show the amount of his contracts, the payments that have been made on these contracts, with the dates, and whether paid by draft on the comptroller or by cash, both on Dix Island and on Hoffman Island, for the enlargement of riprap on both islands, for building 22 cisterns, and for building a dock at Dix Island.

Q. Have you the contracts for them? A. Yes; I have the contract relating to all that.

[Statement of amounts, etc., of contracts awarded to Francis Swift, put in evidence, and marked Exhibit C, quarantine, Sept. 3, 1875, A. F. W.]

EXHIBIT C.

CONSTRUCTION BOARD.

NAMES OF CONTRACTORS, WITH AMOUNTS PAID EACH, AND DATES; ALSO, TOTAL AMOUNT EXPENDED FOR CONTRACT WORK ON DIX AND HOFFMAN ISLAND.

Francis Swift.

Contract to build Dix Island for the following sums, dated September 11, 1866:

For crib work	$94,900 00	
For stone filling	25,300 00	
For riprap	14,172 00	
For sand filling	83,816 00	
For deck planking	3,680 00	
For fendering	3,500 00	
Mason work of buildings	20,750 00	
Carpenter work of buildings	64,500 00	
		$310,618 00

Payments on above contract made by draft on the comptroller, as follows:

1867.		
November 11, by draft for	$66,006 33	
1868.		
April, by draft for	25,000 00	
September, by draft for	75,000 00	
November, by draft for	55,000 00	
1869.		
June 9, by draft for	20,000 00	
July 13, by draft for	69,611 67	
		$310,618 00

Francis Swift.

Contract to enlarge the riprap at Dix Island, dated December 17, 1868, at $3 per cubic yard. Payments on above by draft on the comptroller.

1869.		
May 14, by draft for	$7,640 94	
July 20, by draft for	4,513 50	
Aug. 5, by draft for	3,636 30	
Sept. 3, by draft for	5,704 26	
1870.		
June 17, by cash	9,122 76	
July 20, by draft on the comptroller	7,264 38	
		37,882 14

Francis Swift.

Contract for building 22 cisterns.

1869.		
Sept. 1, by cash	$2,800 00	
Sept. 21, by cash	1,000 00	
Sept. 24, by cash	1,000 00	
Nov. 17, by cash	800 00	
		$5,600 00

Francis Swift.

Contract for building dock at Dix Island; payments on above.

1870.		
July 22, by draft on the comptroller	$15,000 00	
		15,000 00
Oct. 14, the balance due on contracts for enlarging riprap and building dock, by draft on the comptroller		37,205 89
Tot'l amount paid F. Swift for work on Dix Island,		$406,306 03

Francis Swift.

Received contract August 19, 1868, to erect Hoffman Island for $252,491.68; payments by drafts on the comptroller, as follows:

1868.		
Dec. 19, by draft	$20,000 00	
1869.		
Jan. 2, by draft	20,000 00	
March 4, by draft	10,000 00	
May 12, by draft	30,000 00	
June 11, by draft	20,000 00	
Aug. 6, by draft	20,000 00	
Nov. 1, by draft	20,000 00	
Dec. 25, by draft	20,000 00	
1870.		
Feb. 7, by draft	20,000 00	
July 22, by draft	40,000 00	
Dec. 30, by draft	44,843 45	
		$264,843 45
Amount in excess of above contract	$12,351 77	

For enlarging riprap; contract dated September 10, 1870, for $3 per cubic yard

1870.		
Dec. 30, by draft on the comptroller	$13,466 65	

1871.			
May	30, by draft on the comptroller..	$12,781 02	
Aug.	16, by draft on the comptroller..	9,298 58	
Sept.	28, by draft on the comptroller..	13,693 50	
Oct.	28, by draft on the comptroller..	11,848 48	
1872.			
March	22, by draft on the comptroller..	8,914 49	
			$70,002 72
	Total amount paid F. Swift for Hoffman Island..		$334,846 17

Total amount of Francis Swift's contracts.

For Dix Island	$406,306 03	
For Hoffman Island.....	334,846 17	
		$741,152 20

Q. Are these contracts, which you produce here, all the contracts made with Francis Swift? A. Yes.

Q. What is the first contract? A. A contract of the board of commissioners with Francis Swift, for the construction of Quarantine Hospital, dated September 11, 1866.

Q. What was the amount paid under that contract? A. The amount paid was $310,618.

Mr. WAEHNER — I will read certain clauses from this contract; the payments under this contract are to be made as follows:

"1. Twenty-five per cent of the said sum of $310,618 (less 15 per cent of said 25 per cent to be retained as security as hereinafter provided), when the exterior wall and riprap are completed up to high water.

"2. The further sum of 50 per cent of the residue of said sum of $310,618 (less 15 per cent thereof to be retained as security as hereinafter stated), when the exterior wall and foundation, and the shingling and filling in of said structure shall be fully completed and ready for the erection of the hospital building thereon.

"3. The residue of said sum of $310,618, upon the completion of the said structure, wharves, docks and appurtenances, within the time aforesaid, in all respects according to said plans and specifications; provided, however, that the said party of the first part" (meaning Francis Swift), "shall not be entitled to receive either of the payments aforesaid, until he shall produce to the party of the second part, the certificate of said engineer (John W. Ritch), stating that the said work, as far as the same is then completed, has been in all respects performed, and the materials furnished, according to the terms of this contract, and so as to entitle him to such payment."

Then there is a general provision in regard to compliance with the specifications; the two 15 per cents to be retained, shall be paid upon the completion; and, in case of injury by the elements to any of this work, the cost and expense of repairing such injury occurring during the progress of the work, is to be paid for by the party of the second part (the commissioners of quarantine).

Q. I see here an application made by Francis Swift for $25,000 on account of the second installment to be paid him on account of his contract of the 11th of September, 1866 — do you know any thing of that? A. That is simply his application stating he had done so much work, and according to the contract is entitled to so much money; I saw that paper lying near the contract, and so I brought it over.

Q. Now the second contract? A. The second contract is with Francis Swift, for work on Dix Island, dated December 17, 1868; it was for the enlargement of the riprap around the island, at $3 per cubic yard.

Q. What is the amount of that contract? A. I think the amount of the riprap was uncertain; the payments foot up $37,882.14.

Mr. WAEHNER — The terms of this contract are that "the party of the first part covenants and agrees that he will provide all the necessary material for enlarging and will enlarge the riprap around the hospital structure now being erected on West bank, in the bay of New York, according to the plans and specifications therefor, prepared by John W. Ritch, civil engineer, and submitted to and approved by said board on the seventh day of December inst., and which are now on file in the office of said engineer; that the stone to be provided by him shall be of the size and kind required by said specifications, and shall be transported by him to West Bank and placed in the proper position, as shown on said plan." * * * "That the drafts to be filled shall be for the aggregate amount of the cost of enlarging said riprap, estimating the same at the sum of three dollars ($3) per cubic yard for each cubic yard of stone embraced in the enlargement of said riprap; that said drafts" (of the commissioners) "shall be given on the first day of each and every month after the date hereof for the amount of work done during the preceding month, estimating the cost thereof as above stated, less the sum of 15 per cent of said cost, which shall be kept back by the parties of the second part as security for the performance of the contract, until the completion or suspension of said work; provided, however, that said parties of the second part shall not be required to give either of said drafts except upon the certificate of the engineer of said board, showing the number of cubic yards of said riprap which has been built during the month preceding the date of such certificate, and that the materials furnished and the work done have, in all respects, conformed to the said plan and specifications."

Q. Which is the next contract? A. A contract for building 22 cisterns; that I have not got here; it is not on file in the office; in the book it says, "By draft on the comptroller, as per contract;" I presume it was a contract from that, but I have made search and cannot find it in the office; the payments on that contract are dated:

September 1, 1869, for	$2,800 00
September 21, 1869, for	1,000 00
September 24, 1869, for	1,000 00
November 17, 1869, for	800 00
Making	$5,600 00

By Mr. ALVORD:

Q. You cannot give the date of the contract, because there is no memorandum in any book? A. No, sir.

Q. Have you any data in your office showing the size, dimensions, etc., of the cisterns? A. I have looked carefully over the specifications, and I see there are some drawings.

Q. To arrive at a conclusion whether this was or was not an extravagant payment, we will have some data of the size and material of which the cisterns were made? A. I think the plans and specifications are at the office.

Q. Are there any cross-sections? A. Yes; I think there are, drawn on oil paper.

Q. I would like to have the plan of these cisterns, because they cost, in round numbers, about $250 apiece, and they ought to be pretty good for that money? A. I will bring what I can.

By Mr. WAEHNER:

Q. What is the next contract? A. A contract for building dock at Dix Island, dated September 3, 1869, made with Francis Swift.

Q. What was the total amount of that contract? A. I cannot tell, unless it is in the contract itself.

Mr. WAEHNER — The terms of this contract are: "The said party of the first part further covenants and agrees, that he will erect and fully complete the said dock at the same rate of compensation that he is to receive for erecting and completing the exterior wall and foundation on West Bank, under his contract with said board, bearing date August 19, 1868, that is to say:

"For the timber crib-work, per cubic yard of timber, including iron bolts, etc	$9 70
"For the stone filling of cribs, per cubic yard, including labor, etc., and placing and sinking same in proper position,	1 75
"For the riprap, a cubic yard, including labor, etc	2 50

"For the dock planking, per square of 100 feet, including spikes and labor	$23 00
"For fendering, per running foot, including iron bolts, iron angle pieces, and labor	6 23
"For string pieces, per running foot, including bolts and labor	50
"For mooring piles, each	12 00

I would like to call the attention of the committee particularly to the first part of this contract which reads:

"WHEREAS, the parties of the second part have caused a structure to be erected on West Bank, in the lower bay of New York, to be used for quarantine purposes, pursuant to the act aforesaid, but no suitable dock has yet been built connected therewith; and

"WHEREAS, said parties of the second part deem it indispensable for the convenient use of said structure for hospital purposes as well as for the preservation thereof, that a suitable dock or wharf connected therewith shall be erected without delay; and

"WHEREAS, the appropriation for the erection of said structure has been expended, and said parties of the second part are destitute of any means to defray the expense of erecting said dock, but the said party of the first part has expressed a willingness to erect the same and wait for payment therefor until an appropriation to pay the same shall be made by the legislature;

"*Now, therefore, this agreement witnesseth,* That for and in consideration of the covenants and agreements hereinafter contained, to be kept and observed by said parties of the second part, the said party of the first part hath covenanted and agreed, and doth hereby covenant and agree, to and with said parties of the second part, that he will provide all the necessary materials for, and will erect, construct, and complete a dock."

It does not appear by this contract that this work was ever given out by advertising and public bids.

Q. How much was paid on that contract? A. A payment was made July 22, 1870, for $15,000; then October 14, of the same year, a draft was drawn on the comptroller for the balance due on contract for enlarging riprap, and for building dock — one draft amounting to $37,205.89.

Q. That included two contracts — the riprap enlargement and the dock? A. Yes.

By Mr. ALVORD.

Q. And you have no means or data on your book to discriminate which was for the dock and which for the enlargement of riprap? A. No.

Q. Do you know what the riprap cost? A. I have no means of telling that.

Q. And there is no charge on your journal to show, and no document filed of an account final of the party, or any thing of the kind, by which the two items are separated? A. No, sir.

By Mr. VOSBURGH:

Q. Who was secretary at that time? A. Mr. Howard, I think.

Mr. WAEHNER — The provision of this contract in relation to that is that "the dock shall be built according to the plans and specifications therefor which have been prepared by John W. Ritch, the engineer of said board; that the materials therefor shall be such as shall be approved by said engineer; and the said dock shall be erected and completed under his direction and supervision, and the same shall, in all respects, be fully completed, according to said plans and specifications, on or before the 15th day of July, 1870;" and then upon the certificate of the engineer

By Mr. WAEHNER:

Q. Are you aware whether that joint draft drawn upon the comptroller was paid? A. I think it was; it so appears on the ledger; but it is simply entered under the heading — "Frank Swift, for work on Island No. 1," as it was called.

By Mr. ALVORD:

Q. Are there not in your archives any certificates of the engineer or engineers in charge of this work of the performance of the work, stating the amount, etc., by this contractor from time to time? A. No, sir, I think not; I don't think there are any copies kept there; wherever the letter book is it undoubtedly appears in that, as I know that since I came there the engineer's certificate has been pinned to the draft, and a copy of the draft and of the engineer's certificate appears in the letter book, but I have not got the letter books prior to 1872.

Q. And you don't know where they are? A. No, sir.

Q. Do you know where John W. Ritch, the engineer, is? A. No. sir.

Mr. WAEHNER — There is this further provision in the contract: "And it is understood and agreed by and between the parties hereto, that in determining the amount which said party of the first part shall be entitled to receive under this agreement, the certificate of said engineer as to quantity shall be conclusive upon said party of the first part."

The WITNESS — The journal and ledger date away back to 1866;

but any collateral papers, such as letter books or copies of drafts or engineer's certificate or any thing of that kind are wanting.

Q. What was the total amount paid on that contract? A. The total amount paid Francis Swift for work on Dix Island was $406,306.03.

Q. What was the next contract? A. The contract for making Hoffman Island quarantine was given August 19, 1868, to Francis Swift; that contract is here.

Q. State the amount of the contract if you can? A. I have only the payments amounting to $264, 843.45.

Mr. WAEHNER — The contract states $252,491.68 as the aggregate cost of constructing the said exterior wall and foundation at the prices specified in said proposal; this appears to be let out under advertisement with sealed proposals. Do you know of any explanation for that increased payment? A. I do not.

Q. Do you know whether there was any alteration in the plans or mode of construction of this work? A. No, sir, unless in the enlargement of the riprap to this island and to the other, but that was a separate contract.

Mr. WAEHNER — I see a provision here in case of enlargement or change of plan of construction of the work.

Q. Have you any amount there that would equal the difference between the sum named in the contract and the amount paid? A. The difference is $12,351.77 in excess of the contract price; there is no one item that would come to that.

Q. Are there any data by way of minutes of the commissioners which will throw light upon this matter? A. I think I have all the minutes of the commissioners.

Q. I would like to see those minutes, to see whether there are any proceedings of the board in relation to it? A. I will produce them.

Q. Right in this connection, let me ask whether any security was at any time required of these contractors and whether there appear to be any bonds entered into for the completion of the respective contracts? A. Yes, sir, there are bonds on file, but I am not sure whether Mr. Swift filed any or not.

Q. I wish you would look and see whether Mr. Swift has filed any? A. I will do so.

Mr. WAEHNER — There is a provision in this contract — the ninth clause — "That if said parties of the first part, or their engineers, shall, during the progress of said work, deem it necessary to make any alteration in the plan or mode of construction thereof, they shall have power to make the same; and if such alteration shall diminish the quantity of work to be done, or material to be furnished, they shall not constitute a claim for damages or for anticipated profits on the work that may so be dispensed with; but, if they increase the amount of

work, such increase shall be paid for only according to the quantity actually done, and at the price fixed in said proposals for similar work under this contract."

Q. Give us, now, the amounts paid as appear from your books for this enlarging of the riprap at Hoffman Island, which, I understand you to say, is a separate account entirely? A. Yes, sir; it is a separate contract, dated September 10, 1870.

Q. Have you got the contract here? A. I have; the payments on that contract amounted to $70,002.72, for enlarging the riprap at Hoffman Island.

Mr. WAEHNER — I will give the provisions of this contract; Mr. Swift agrees to enlarge the work of the riprap for the West Bank Hospital, under the direction of Mr. Ritch, the engineer; that the work was to be done at the rate of $3 per cubic yard for the stone embraced in the enlargement; that the drafts in payment shall be given on the first day of each and every month, after the date of the contract for the amount of work done during the preceding month, estimating the cost as above, less the sum of 15 per cent which shall be kept back as security.

Q. The total cost of that riprap work around the West Bank Hospital was how much? A. Three hundred and thirty-four thousand eight hundred and forty-six dollars and seventeen cents, was the total cost of Hoffman Island.

Q. These contracts which you have given, are they all the contracts that the construction board had with Mr. Swift? A. Yes.

Q. How much, in all, did Mr. Swift's contracts amount to? A. Seven hundred and forty-one thousand one hundred and fifty-two dollars and twenty cents, from November 11, 1867 to March, 1872.

By Mr. ALVORD:

Q, Who is Francis Swift? A. I think he is a general contractor.

Q. You were not attached to or employed by the quarantine commissioners during any part of this time? A. No, sir.

Q. And all you can give us is the data as you obtained them from the office? A. Yes, from the books.

Q. Do you think that you have looked over sufficiently all the documents in your office to state yourself that there are not there any certificates of the engineers in reference to any of this work? A. Yes, I am very sure of it.

Q. Have you examined the minutes of the board to see what the proceedings were as they went along? A. No, sir; I had not thought of the minutes until mentioned here, but I have got the minutes.

Q. Will you bring them here for us to see? A. I will.

Q. You said something yesterday, I think, about the repairs of these islands and of the building being now done by the health officer? A. Yes; in the supply bill of 1873, the powers were vested in the health officer — the powers of this board.

Q. And since that time all the reparation upon the islands and buildings has been done by the health officer? A. Yes, sir.

Q. Have you his vouchers or statements? A. Yes, sir.

Q. I understand you to say that since that time, in all cases, the engineer's certificate has accompanied the vouchers? A. Yes, sir; it has been attached to the draft.

Q. Who is the engineer now? A. There is no engineer at present; Mr. Haswell was engineer, and I think he was dismissed about the first of 1874.

A. Up to the time of Mr. Haswell's dismissal, from the time that you came there, have certificates accompanied every draft? A. Yes, sir.

Q. And you kept copies of them? A. Yes, sir.

Q. Dr. Vanderpool was health officer when you came there? A. Yes.

Q. Did you keep an account of all the reparation made which was put into the supply bill in 1873?

A. I copied off the accounts that sent me into the book; he kept the accounts and simply sent me certain memoranda of so much money paid to certain parties, which I entered in the book.

Q. Was there any thing charged to construction account which should not have been charged there? A. There were some payments made on a boarding station, closing up some contracts, charged to this construction account.

On motion, the committee adjourned to to-morrow morning, September 4, 1875, at 10:30.

NEW YORK, *September* 4, 1875.

The committee met at Castle Garden pursuant to adjournment.

Present — Hon. Jeremiah McGuire, Chairman; Messrs. Waehner, Alvord, Vosburgh, and Gedney.

Theodore E. Leeds — Examination continued:

By Mr. WAEHNER:

Q. Please state the capacity of the 22 cisterns mentioned yesterday in the contract? A. The 22 cisterns built by Francis Swift held 2,000 gallons each, on Dix Island.

Q. Have you found any of these plans or maps? A. Yes, sir; I have the engineer's plans of Hoffman Island.

[The engineer's plans for Hoffman Island are produced; also the specifications for work on Hoffman Island, six in number; also the eight specifications relating to the work on Dix Island.]

Q. What other contracts have you? A. The contract of Felix Campbell, dated September 22, 1870, for putting in heating apparatus, etc., at Dix Island.

Q. The amount of that contract is how much? A. Thirty-three thousand two hundred and eighty-eight.

Q. For the heating apparatus alone? A. That includes the condenser; there is also for extra work, not included in the contract, $1,202.55.

Q. What is the next contract? A. A contract for plumbing work, dated December 9, 1870, awarded to Brian, Adams & Brian; the amount of their contract was $5,135, and the amount paid for extra work $941.20.

There is also a contract to John W. Flaherty, dated December 9, 1870, for building a shed on Dix Island $4,150, and extra work not included in this contract $323.50.

Also contract of Osborne & Fish, for alterations and additions to the buildings at Dix Island; amount, $8,500; contract dated Dec. 9, 1870.

There was a contract to William McKenzie, for plumbing work, dated Oct. 2, 1869, amounting to $10,072.47; but there is no copy on file at the office.

The total amount of the contract work at Dix Island, exclusive of that done by Francis Swift, is $63,612.72.

Q. Does that include the extra work? A. Yes; $2,500 over the extra work.

Q. Now the contract work on Hoffman Island? A. There is a contract dated Aug. 13, 1872, with W. H. Beard, to furnish piling and concrete and build foundations for buildings as follows:

1,786 piles, furnished and driven, at $4.75 each.

100 cubic yards Beton wall, at $7.75 per yard.

The total amount of the contract, $9,179.

Also contract awarded to Lockman & Deveny, dated June 27, 1872, for the erection of a quarantine structure at Hoffman Island; amount, $65,770; and an additional contract, dated Oct. 9, 1872, for finishing of building according to new plans and specifications, $49,330.

Q. Do you know the cause of that change? A. No, sir; I do not; the total amount of Lockman & Deveny's contracts was $115,100, which was paid; and for extra work $2,021.25.

Also the contract of William H. Beard, dated June 28, 1872, for furnishing 100 cubic yards of Beton wall, at $7.75 per cubic yard;

460 cubic yards of stone chips, at $3.62 per cubic yard; 33,250 square feet of pine boards preserved with creosote, at $68 a thousand; 12,000 yards of sand filling, at $1.25; pile foundations, at $5.87 per pile; spruce sheathing, at 5 cents per foot; cistern overflow pipe, at $1.20 per lineal foot; sewer pipe, at $1.95 per lineal foot; cast iron pipe, at 7 cents per pound. The total amount paid on the contract, $39,705.95.

Contract with William H. Beard, dated July 8, 1873, to finish and complete the plumbing work; the amount paid on this contract was $11,970.62.

Contract awarded to Hugh McRoberts, dated September 11, 1872, for 8,000 cubic yards of riprap, at $2.25 per cubic yard; amounting to $18,000; he received for additional riprap, $8,519.24.

Bramhall, Dean & Co., proposal of July 8, 1873, accepted, for furnishing and putting in heating apparatus, on Hoffman Island, $12, 792.43.

Gilbert & Barker, manufacturing Co., their proposal of July 8, 1873, received for furnishing a 300-light, No. 8, copper, Springfield gas machine, with all necessary stock of pipe, fitting, cocks, etc., paying all labor, freight, and expenses of men, and preparing a suitable vault of brick for ventilation, for $2,200; which amount was paid; and for a gasolier and extra labor, $54.98.

Robert Ennever & Son, proposals of July 8, 1873, to connect and complete in the buildings all water-closets, etc., according to the engineer's specifications, for which they received, $6,102.07.

Q. All these contracts that you have been giving an account of were made after due advertisement and proposals received, and awarded to the lowest bidder? A. Yes; I cannot say that they were always awarded to the lowest, but, I think, the lowest desirable bids.

Q. Have you looked after the minutes, and examined to see whether or not the contracts were advertised for? A. Yes, sir; I have looked through the minutes, and find in every case they were advertised.

Q. Does any thing appear from the minutes as to whether any less sum was bid for this work? A. Yes, sir; I believe all the bids are given; I will see [referring to minutes].

Q. Have you examined to see whether any of the bonds were filed in the commissioners' office in relation to these contracts? A. Yes; and I find only two — for Hugh McRoberts, and W. H. Beard.

Mr. WAEHNER — I will read here from the minutes of the board, Aug. 29, 1866, in regard to the first contract; it appears that the board proceeded to the opening of proposals for the erection of hospital on West Bank, received by the secretary pursuant to advertisement. It appears from the minutes that no formal bid was received for less than the amount proposed by Mr. Swift, namely, $310,618, but that certain

bids were rejected on the ground of being informal; among which was that of Edward Flynn, who proposed to do the work for $294,000. It subsequently appears at the meeting of the board, on September 3, 1866, that Mr. Flynn had taken certain proceedings to enjoin the commissioners from entering into this contract for this work with Mr. Swift, and the counsel of the board was instructed to take immediate steps to procure the dissolution of the injunction.

[Mr. WAEHNER also read memoranda from the minutes of the commissioners in regard to the second contract, August 12, 1868. It appears that among other bids of a higher amount, was the bid of John Flaherty, for $244,587.38, for the doing of this riprap work on Dix Island, for which a contract was subsequently awarded to Francis Swift pursuant to resolution of the board passed on that day, for $252,491.68.

On November 23, 1868, at a meeting of the commissioners, Mr. John W. Ritch, engineer, presented a report in which he suggested the advisability of increasing the riprap around the new quarantine hospital on the island in the lower bay; the additional quantity of stone required, in his opinion, would be about 15,000 cubic yards, or 30,000 tons of stone. "The stone that I shall use," he says in his report, "will average two tons to the cubic yard."

Mr. WAEHNER also reads from the minutes of Dec. 7, where Mr. John W. Ritch appeared and presented plans and specifications for the enlargement of the riprap around the hospital structure on West Bank, and he states, in accordance with his report heretofore submitted to the board, that pursuant to the direction of the board he had solicited proposals for the extending of said riprap from several persons mentioned, 15 in number; that Frank Swift had been solicited for proposals also; that he received only the following proposals: one from Henry Dubois & Son, at $5.50 per cubic yard; one from John H. Bouker, at $1.75 per ton (two tons to the yard), and one from Thomas Cummings, at $2.50 per cubic yard. It was thereupon resolved by the commissioners that Thomas Cummings be employed to furnish the material for, and to do the work of extending said riprap at the price named in his proposal, viz.: $2.50. In the proceedings of February 25, 1869, of the commissioners, it appears that Mr. H. W. Johnson submitted a report in which he states to the commissioners that in regard to the enlargement of the riprap around the hospital, and the contract awarded to Thomas Cummings, he had, in accordance with the instructions of the commissioners, prepared a written contract for the purpose of carrying out this proposal, and presented the same to Cummings for execution; that after a delay of several days Mr. Cummings declined the contract and Mr. Johnson then communicated to Mr. Ritch, the engineer, the fact, who, in reply, urged upon them the necessity of having the work done by some one else without delay.

The next lowest proposal which had been submitted was at the rate of $3.50 per cubic yard, by Mr. Bouker. On being informed that Mr. Cummings had finally declined the contract, Mr. Ritch insisted that it should be given to Bouker; but from the best information he (Johnson) could obtain, he regarded that bid as exorbitant, and he accordingly made further inquiries, and finally obtained a proposal for the work from Francis Swift at $3 per cubic yard. He goes on to say, "I communicated the fact to such members of the board as I was able to see, without delay, and was advised by them to have him enter at once upon the work. Under this advice, I prepared a contract, which is herewith submitted, and had the same executed by him and also by the president of the board, and I am now advised that Mr. Swift is carrying it out."]

Q. That was the contract for the enlargement of the riprap work we had in evidence yesterday? A. Yes.

Q. Now have you any thing in relation to the fourth contract? A. In the proceedings of the board September 9, 1870, Mr. Ritch presents a report in answer to a resolution of inquiry directed to him as to the advisability and necessity of increasing the riprap around the boarding station on West Bank (now called Hoffman Island), he recommends an additional amount of riprip sufficient to give a base of 30 feet and extend to an even slope to the top of the timbers; a resolution was thereupon passed adopting the recommendation of the engineer relative to the enlargement of the riprap of the structure to be used as a boarding station, and that the contractor for the erection of said structure be and he is hereby authorized to enlarge said riprap to the extent recommended by the said engineer in his report, provided that the cost of such enlargement shall not exceed the price per cubic yard of the cost of enlarging the riprap of the hospital structure.

Q. Have you any thing in reference to another contract? A. Yes, the contract awarded to Felix Campbell, at the meeting of the board, held September 20, 1870, the bids for providing the quarantine hospital with means for heating the building and extinguishing fires were opened.

Q. Were they pursuant to any advertisement, does it appear? A. It does not say; the bid by Felix Campbell proposed to perform the work according to plans and specification and furnished the material for the aggregate sum of $15,175.

Q. Were there any other proposals for any less amount? A. No, sir; there is a proposal here of $15,400, by Murphy & Co.; a resolution was then passed directing the contract to be awarded to Felix Campbell; the final contract amounted to $33,288, including a condenser.

Q. Is there any thing in relation to that increase in the minutes?

A. In the minutes of November 15, 1870, it is resolved that the engineer prepare and present to the board specifications for plumbing work, and that the superintending engineer ascertain the cost of the condenser which has been ordered for the hospital, and the expense of putting in the same, and that a contract therefor be entered into with Mr. Felix Campbell.

Q. What other contracts appear on the minutes; see whether the engineer reports any thing in relation to that resolution? A. This matter of the condenser came up again November 29, 1870, when Mr. Bell reports that he had not yet received any estimates, from Mr. Campbell or the work to be done in connection with putting in the condenser at the hospital, and, on motion of Commissioner Bell, it was resolved that the matter of modifying the contract of Mr. Campbell for putting in the condenser, so as to include other necessary work, be referred to the superintending commissioner and the secretary (Commissioner Bell and Mr. Johnson); in relation to the contract awarded Osborne & Fish for alterations and additions to the building at Dix Island, the board on November 29, 1870, received the plans and specifications from the engineer, and resolved that each member of the board invite sealed proposals for furnishing the material and performing the work embraced in said plans and specifications, from such persons and firms as he shall deem advisable; that proposals therefor should be received at the office of the board until the 15th of December, at 2 o'clock in the afternoon, when the same shall be publicly opened by Commissioner Bell and the secretary; that the secretary shall thereupon take charge of said proposals and report the same to the board at their next meeting." In pursuance of this authority, the secretary reported that at the time and place named in the resolution passed at the last meeting, the superintending commissioner, Dr. Bell, and Henry W. Johnson, the secretary, attended for the purpose of receiving and opening proposals for the alteration of additional hospital buildings; that the lowest bid was Osborne & Fish, $8,500; thereupon the contract was awarded to them; the lowest bid for plumbing work was $5,135, which was awarded to Brian, Adams & Brian; for building the shed over the wharf, the contract was awarded to John W. Flaherty, for $4,150; in relation to Lockman & Devery's contract, dated June 22, 1872, proposals were invited by advertisement; five proposals were received, and it was resolved that the health officer and the engineer of the board be appointed a committee to compute the several proposals offered, and report to the board the lowest bidder; at a meeting, held June 17, 1872, the health officer and engineer reported verbally that Messrs. Lockwood & Devery were the lowest bidders for the building, and it was resolved that the contract be awarded to the said Lockman & Devery; in relation to the second con-

tract to Lockman & Devery, dated October 9, 1872, the health officer wrote under date of September 23, 1872, to the treasurer of the construction board, giving certain reasons why the building should be altered to two stories instead of one, and a communication was presented from Lockman & Devery, in which they offered, in reply to a communication from A. N. Bell, supervising commissioner, to do the additional work for the sum of $37,386; on motion, the matter was referred to the health officer and Commissioner Bell and the engineer of the board, with power; Mr. Bell reported that it was apparent on examination of the foundations, as at present laid, that the interests of the state, as well as the utility of the quarantine establishment, would be better served by making the building, now in progress, of twice the capacity provided for in the plans and specifications offered; this was again referred to the committee, with power; at the meeting of October 1, 1872, Commissioner Bell, on behalf of the committee appointed at the last meeting, reported favorably regarding the alterations, and estimated the additional cost, after making allowances for abatements in the present contract, to be $49,330, and advised that the contract be awarded to Lockman & Devery for that purpose; in relation to Hugh McRoberts' contract for furnishing 8,000 cubic yards of riprap, proposals were received in answer to advertisements, on August 13, 1872, and in two instances, bids lower than Mr. McRoberts' were received — one from F. & A. Walsh, for $1.40 per cubic yard, and another from C. G. Van Roypen, at $1.95 per cubic yard; at the next meeting, held September 7, 1872, a communication was received from F. & A. Walsh, stating that their bid was based on the presumption that ordinary dock-stone was the kind required, and unless good dock-stone would answer, they could not hold to their bid, without loss, at the price proposed; on motion, it was unanimously resolved that the proposal of Mr. C. G. Van Roypen be rejected, the board not deeming it for the interests of the state to accept the same; also on the ground of the proposal being informal, and the bidder not appearing when called for by the board; on motion, it was unanimously resolved that the contract be awarded to Hugh McRoberts, for the sum of $2.25; on motion, Mr. McRoberts was required to furnish securities, which he did; in relation to the W. H. Beard contract of June 28, 1872, in answer to advertisements, proposals were received for beton wall, timber, etc., according to the specifications of engineer, for Hoffman Island, and the lowest bid was received from Bernard Gallagher, according to the computation of the engineer; at a meeting held June 17, 1872, it was decided to award this contract to Gallagher, but at the meeting held June 19, 1872, Mr. Gallagher stated to the board that he declined to accept the contract as awarded; it was thereupon resolved that Mr. Francis

Swift, being the lowest bidder, the contract be awarded to him ; Mr. Swift, being present, stated that he would accept the contract as awarded, but at another meeting, held June 26, 1872, a communication was received from Mr. Swift, stating that he would not enter into the contract unless he received the contract for the whole work ; on motion, it was then resolved that this communication be received, after which the award of the contract was made to W. H. Beard ; in relation to the contract of August 13, 1872, to W. H. Beard, for extra piling, a communication was received from the engineer, in regard to the extra piling required for the foundation at Hoffman Island; upon being read over, Commissioner Bell offered a resolution, which was adopted, authorizing the commissioners to enter into a contract for this extra piling with W. H. Beard, and the counsel of the board was directed to prepare the necessary contract, and he was further authorized to sign the same when it was approved by the health officer and the president of the board.

Q. You have now given us the history, so far as appears from the minutes of all the proceedings and steps relative to the different contracts that have been thus far introduced into evidence for these two islands ? A. Yes, there are further contracts for work on these islands, but it was after the health officer had received the power.

Q. These were under the administration of Dr. Vanderpoel, and you have those in your office ? A. Yes, I have brought them here this morning.

Q. Now please to take up these since the matter was turned over to the health officer in 1873 ? A. I include in his administration the contracts which were given in this morning, but the statement of his account of his expenditures is here.

Q. Give us that, and state as you go along whether they are included in any of the contracts which are referred to ? A. I produce the statement of the construction board after this power was vested in the health officer from June 18, 1873.

[Paper marked Exhibit D, Quarantine, September 4, 1875. A. F. W.]

EXHIBIT D.

CONSTRUCTION BOARD—ITS POWERS VESTED IN THE HEALTH OFFICER OF THE PORT OF NEW YORK.

1873.		Cr.	
June —.	By balance at Albany		$109,885 97
	By appropriation of 1873		30,000 00
			$139,885 97

Dr.

1873.			
June	20.	To Hugh McRoberts, draft on the comptroller on account of contract	$3,702 60
	20.	To Lockman & Devery, draft on the comptroller on account of contract	10,000 00
	30.	To S. O. Vanderpoel, draft on the comptroller	5,000 00
July	14.	To W. H. Beard, draft on the comptroller for amount due contract dated June 28, 1872, for sand filling	15,518 25
	25.	To Lockman & Devery, draft on the comptroller	10,000 00
Aug.	2.	To Hugh McRoberts, draft on the comptroller,	5,806 35
Sept.	11.	To S. O. Vanderpoel, draft on the comptroller,	20,000 00
	20.	To W. H. Beard, by draft on the comptroller, on account of contract work, clay and cast iron pipe	1,907 94
	26.	To Hugh McRoberts, by draft on the comptroller	4,473 34
Oct.	7.	To Lockman & Devery, by draft on the comptroller	10,000 00
Nov.	19.	To S. O. Vanderpoel, draft on the comptroller,	15,000 00
Dec.	7.	To Hugh McRoberts, draft on the comptroller,	3,009 23
	17.	To Hugh McRoberts, in settlement of his Hoffman Island contracts and the work incident thereto	3,979 18
1874.			
Jan.	7.	To S. O. Vanderpoel, draft on the comptroller,	5,000 00
Feb.	18.	To S. O. Vanderpoel, draft on the comptroller,	5,000 00
March	21.	To Lockman & Devery, draft on the comptroller	12,000 00
	31.	To Lockman & Devery, draft on the comptroller	9,000 00
May	26.	To S. O. Vanderpoel, draft on the comptroller,	489 08
			$139,885 97

CASH ACCOUNT OF THE CONSTRUCTION BOARD UNDER THE HEALTH OFFICER.

1874.		Cr.	
June.		By cash from former board	$11,129 90
	30.	By cash from Albany	5,000 00
Sept.	11.	By cash from Albany	20,000 00
Nov.	19.	By cash from Albany	15,000 00

Jan.	7.	By cash from Albany	$5,000 00
Feb.	18.	By cash from Albany	5,000 00
May	26.	By cash from Albany	489 08
			$61,618 98

1873.		Dr.	
July	1.	To C. H. Haswell, for telegrams, fares, etc...	$35 52
	1.	To L. H. Bigelow & Co., for stationery.....	28 75
	1.	To C. H. Haswell or W. Marshall, for board of men.....	8 75
	1.	To C. H. Haswell, salary as engineer for quarter ending 30th April.....	875 00
	1.	To J. E. Colville, pay-rolls for Hoffman Island for May and June.....	530 00
	1.	To C. & R. Poillion, old bill of Nov., 1872, for gang-plank, float, gig-boats, etc.....	1,386 27
	8.	To C. B. Hardick, work and materials	118 33
	8.	To New York Times, for advertising.....	17 00
	19.	To Thornhill & Co., for paints, brushes, wood filling, etc.....	1,111 47
	19.	To Evening Post, for advertising	6 12
Aug.	1.	To C. H. Haswell, salary as engineer for the quarter ending July 31	875 00
	1.	To C. H. Haswell, for amount paid draughtsman and surveyor.....	247 30
	9.	To James Woodland, for carpenter work in construction of bath-room and water-closets,	1,283 20
	11.	To Commercial Advertiser Association, for advertising	17 00
	11.	To pay-roll of construction, viz.: wages of engineer, carpenter and painter for July	238 96
Sept.	2.	To pay-roll, etc., for August.....	190 00
	2.	To Bramhall, Deane & Co., for 48 plain Mason radiators.....	6,020 00
	20.	To W. H. Beard, for furnishing and driving 17 oak piles at Dix Island.....	255 00
	26.	To Gilbert & Barker Mfg. Co., for supplying, by contract, gas machines, connections, etc., at Hoffman Island.....	2,254 98
	29.	To Bramhall, Deane & Co., for work and materials, as per contract	3,376 56
Oct.	8.	To Bramhall, Deane & Co., furnishing kitchen, etc, at Hoffman Island.....	801 70
	13.	To Michael S. Allison & Co., copper, works, etc.,	3,236 34

1875.			
Oct.	13.	To Fletcher, Harrison & Co., North River iron works	$882 28
	13.	To De Graaf & Taylor	1,147 90
	15.	To H. R. Eells, joiner work	1,739 67
Oct. 27 and Dec.	5.	To Robert Ennever & Son, for plumbing work, materials, etc., at Hoffman Island	6,102 07
Oct.	28.	To the Sluthour pump Co., for bilge pump	30 50
	30.	To Varick & Hawkins, work and materials	53 49
	30.	To Wm. Canning, ventilators, tanks, etc	309 45
	31.	To Bramhall, Deane & Co., for cooking and heating apparatus	2,594 17
	31.	To W. H. Beard, on account of contract for cisterns, etc., dated July 8, 1873	3,000 00
Nov.	21.	To W. H. Beard, the balance of above	8,970 62
	29.	To James Gould, gas fitting, etc., at Hoffman Island	579 83
1874.			
Jan.	17.	To G. F. Darling & Co., for cutting passage-way for crib, repairing float, etc	690 70
	17.	To C. H. Haswell, to cost of travel and boat hire; to transportation and boat hire of workmen, telegrams, postages and messenger from July to December, and for tracing cloth	79 91
		To F. E. Howard, salary as secretary for February and March, 1873	250 00
		To Fletcher, Harrison & Co., bill of November 17, 1873, for board of men at work on Hoffman Island	13 44
April	—.	To Fletcher, Harrison & Co., work on Hoffman Island in December, 1873	16 24
		To Joseph M. Godfrey, casing up water-closets and wash-basins, Hoffman Island	69 91
		To Joseph M. Godfrey, casing sinks, urinals and partitions on Hoffman Island	240 00
May	20.	To Lockman & Devery, on account of contract work on Hoffman Island	1,000 00
June	23.	To Lockman & Devery, balance due for extra and contract work	4,412 50
Jan., Feb. and May.		To James Woodland, carpenter work and materials	3,077 30

Feb. and May.	To C. W. Alexander, plumbing work, pipes, materials, etc.....	$3,297 11
April.	To George Reagan, painting	56 00
	To Wm. Newton, mason work.....	72 12
	To J. S. Bradley, framing plan and map	4 00
	To Charles Lemons, painting	6 01
	To Dennis Sullivan, to leveling	10 04
July 3.	To petty cash	47 00
		$61,618 91

At the time that the power of the construction board passed into the hands of the health officer, there was to the credit of the commissioners, in the treasury, $109,885.97; and by a further appropriation, made in 1873, there was added $30,000, making $139,885.97; and drafts withdrawing this amount are shown on the exhibit, exhausting the whole amount, the last payment being made May 26, 1874. The statement showing the cash account of the construction board, as administered by the health officer, appears on the other page of this exhibit.

At the time of the power being vested in the health officer, there was a balance in the hands of the treasurer of the construction board of $11,129.90, which was turned over to the health officer, and his drafts in his own favor upon the comptroller of the state amounted to $50,489.08, making a total of $61,618.98 in the hands of the health officer. The exhibit shows the disbursement of that amount. [Exhibit D, Quarantine, September 4, 1875. A. F. W.]

I also produce the statement of the construction board from March, 1873, to June, 1873, consisting at that period of the mayor of New York, the mayor of Brooklyn and Commissioners Stears, Judd and Schell. [Marked Exhibit E, Quarantine, Sept. 4, 1875. A. F. W.]

EXHIBIT E.

STATEMENT OF CONSTRUCTION BOARD, CREATED BY CHAP. 751, LAWS OF 1866.

This board from March, 1873, to June, 1873, consisted of the mayors of New York and Brooklyn, and Commissioners Stears, Judd and Schell.

1873.			
	Cr.		
March.	By balance at Albany		$143,154 44
	Dr.		
March 14.	To Lockman & Devery, by draft on the comptroller, on account of contract work for erecting building.....	$10,000 00	
March 21.	To Hugh McRoberts, on account of contract for enlarging the riprap around Hoffman Island; draft.....	1,002 15	
March 27.	To draft drawn in favor of David W. Judd, treasurer (a detailed statement of the expenditure of this money is given below),	10,000 00	
May 7.	To Lockman & Devery, on account of contract for erecting buildings, by draft on the comptroller	10,000 00	
May 10.	To Hugh McRoberts, on account of contract for enlarging the riprap around Hoffman Island	2,266 32	
			33,268 47
June.	The balance at Albany transferred by the supply bill of 1873, to the health officer		$109,885 97

Cash Account.

	Cr.		
March.	By cash from former board.....		$1,868 71
March 27.	By cash from Albany..... ...		10,000 00
			$11,868 71
	Dr.		
April 12.	To N. Y. Guaranty and Indemnity Co., rent for quarter ending January 31	$150 00	
April 12.	To Deady Bros., for tablets and lettering; bill dated Dec. 27, 1872.....	136 70	
May 1.	To Fannin Bros., for work on partitions	10 48	

May	2.	To J. B. Denniston, cleaning, and care of office for the quarter,	$18 00	
May	5.	To Taylor & Francis, stationery for engineer in 1872.....	38 00	
May	5.	To N. Y. Guaranty and Indemnity Co., rent of office for the quarter ending April 30.....	150 00	
May	5.	To heating office for the winter 1872–73	15 68	
June	9.	To Felix Campbell, for work and materials at —— island; bills of December, 1872, and January, 1873	29 43	
June	10.	To Borland, Dearborn & Co., paints, oils, brushes, etc., for Hoffman Island.....	170 61	
June	1.	To Osborn & Fish, for doors and jobbing work at —— island..	19 91	
				$738 81
June.		Balance transferred to the health officer.....		$11,129 90

The balance at Albany handed over to this construction board was $143,154.44. The drafts upon the same amount to $33,268.47, leaving a balance, which was transferred by the supply bill of 1873 to the health officer, of $109,885.97. The cash account during this period appears on the exhibit.

On motion, adjourned to Monday, Sept. 6, 1875, at 12 M.

NEW YORK, *September* 6, 1875.

The committe met pursuant to adjournment, at 10:30 A. M.

Present — Hon. Louis Waehner.

The other members of the committee not arriving, adjourned to half-past 10 o'clock to-morrow morning.

NEW YORK, *September* 7, 1875.

The commitee met pursuant to adjournment. at 10:30 A. M.

Present — Hon. George W. Schuyler (in the chair), Messrs. Alvord, Vosburgh and Waehner.

Agrippa N. Bell called and sworn:

By Mr. WAEHNER:

Q. You were at one time a commissioner of quarantine? A. Yes, sir.

Q. State when you were first appointed and how long you continued in office? A. I was first appointed, I think, the first of February, 1870, and continued in office until March 11, 1873.

Q. During the time that you were a commissioner of quarantine, there was a board known as the construction board in that commission? A Yes, sir.

Q. Of whom did it consist? A. It consisted of Mr. Wilson G. Hunt Mr. Samuel Barton and myself, and of the mayors of New York and Brooklyn (Messrs, Hall and Kalbfleisch) part of the time; the other part of the time, after the resignation of Mr. Hunt, Mr. Schell in his place, and Mayor Powell as the successor of Mayor Kalbfleisch.

Q. This construction board had regular stated meetings as a construction board? A. It held regular meetings as a construction board, not usually on days of the month fixed beforehand, but on call of the construction board; they were sometimes called together after a few weeks' or one week's interval, and at other times two or three weeks or more would elapse — depending on the special work of the construction board.

Q. Did the construction board keep a separate set of books or accounts of the construction money? A. It did.

Q. Who kept those books? A. When I came into office in 1870, these books were kept by H. W. Johnson, who was attorney and secretary of the board for the construction board.

Q. As also for the commissioners? A. He was attorney for the commissioners; he had a book-keeper besides, who was paid by the commission.

Q. Who was his book-keeper? A. His name I do not recollect; but I think it was a clerk in his own office who was book-keeper; but Mr. Johnson himself was the secretary, and responsible; I know the fact, however, that he kept a book-keeper.

Q. Where are those books? A. I am not sure; I do not know; I presume they are here or in the records of the department; they ought to be.

Q. Were they kept by Mr. Johnson in his own office, or usually deposited and left in the office of the commissioners of quarantine? A. I cannot be positive; but Mr. Johnson usually took the book away with him, which appeared to be a book of records.

Q. Do you know in what manner this book was kept — that is, what did it contain; was it the minutes of the construction board directing the work to be done, and the amounts paid out on the order of the construction board? A. I think it was; if you will excuse me, my testimony in this respect is much more on general information than would be that of one of my associate commissioners who subsequently became treasurer of the construction board and took charge of the book.

Q. Who was that? A. Mr. Barton; on a change being made, he was appointed treasurer of the construction board; and he insisted upon taking charge of the books.

Q. When was he made treasurer? A. I don't recollect the date; the records will show; he was made treasurer of the construction board, and continued so to the end of his office, I think.

Q. Did Mr. Johnson continue secretary of the board until 1873, when you went out of office? A. No, sir, he did not.

Q. He left about when? A. My impression is that Mr. Johnson left in 1872; it may have been the latter part of 1871; I am almost certain that it was 1872 before he left; and when these books were transferred to the treasurer, the clerk I have mentioned, or book-keeper, of Johnson, was dismissed, and we found that part of the work of the construction board, had been done at Mr. Johnson's office: a rental was paid for that work; the books will show that a rent, I think of $600, was paid for part of Mr. Johnson's office, and $1,500 a year was paid for this book-keeper for work that was done there; these records were kept in that way; when Mr. Barton became treasurer of the board, or about that time, these two offices were discontinued, and the secretary of the commissioners of quarantine (I now make a distinction between them and the construction board) was made secretary of the construction board, and required to keep the records of both, and to keep them in a safe in the office.

Q. Who was he? A. Mr. Howard; when he became secretary and Mr. Barton treasurer, the records were then required to be kept in the office.

Q. Will you explain to the committee, as near as your memory serves, what construction work was done during the time that you were commissioner of quarantine? A. When I became commissioner of quarantine, the work at the lower island (now called Dix Island) was not complete in all its parts; there were no appliances for warm-

ing the building; there was no means of extinguishing fires, other than some cylinders called fire extinguishers; there was no plumbing done, except the pipes which we were informed were laid down — simply the outlet pipes or sewer pipes; no other plumbing work done about the structure; the boat-house, or rather shed-cover, was not then there; we added the storm-doors to the structure throughout, and extended the end of two of the compartments built off the wings, so as to give the telegraph operator an office which would give him sight of the lower bay; then, if it be counted as construction work, the roofs were very bad — much out of order, and leaking badly; there were a great many broken slates, and they required immediate repair; that appertains to the first island, in contrast of what was added; that implies that the cover was added; the heating apparatus, including the condensing apparatus connected with the plumbing work, and the wharf also was completed; owing to the almost annual damage by storms, washing and sinking of holes, certain repairs were required, and some riprap — not much; a few lighter loads were necessarily added to protect the work there.

Q. Before you proceed to the second island, please to explain to the committee the manner in which this condenser was purchased; I see by the minutes of the board of construction, that a contract was made with, I think, Felix Campbell for plumbing work and for this condenser? A. No for the plumbing work — Brian, Adams & Brian did that; it was for the fire-heating and fire extinguisher.

Q. Then it appears from the minutes of the board that this contract was for about $33,000; that after the contract had been entered into, a resolution was passed directing you to inquired into the probable cost of this condenser, which had already been contracted for, or included in the heating contract; explain how that was? A. There is a mistake in the record, or a mistake in some of the testimony; I am of the impression — speaking now in general terms — that the $33,000 included all; but when it was determined to add this machinery for heating the building and to prepare for the boiler and supplies, it was thought to be necessary to use fresh water for running the engine, and that there should be a full supply of fresh water for the conservation of the iron material, which would be destroyed by using the salt water; this subject was freely canvassed and talked about, and I was appointed a committee to inquire into it; I reported to my fellows in regard to it, and got an estimate of the expense of the condensing apparatus; I think Wainright and Lighthall were the only two men then supplying condensers which were thought to be efficient; I went on board a monitor — the Puritan — in the port of New York, to examine in regard to a condenser put there by Lighthall; Mr. Wainright and

Mr. Lighthall were both, at different times, I think, repeatedly before the commission, describing their condensing apparatus; we had taken into account the necessity of a water supply for running the machinery as well as supplying the hospital, and we had come to the conclusion, I think, without a difference of opinion, that the water supply provided for by the tanks would not be sufficient for the hospital, as they were constructed; this was discussed, and Mr. Ritch, the architect, who had the making out of the specifications with Mr. Campbell in regard to the heating apparatus, I think was conversant with it; I know that it was intended that he should be conversant with the whole matter; the report of the cost of the condenser, in addition to the contract already entered into, was, I think, something in the neighborhood of $8,000 or $10,000 — I think not more; the records, I think, will show the cost of all.

Q. What I want to get at is this, it appears, according to the contract with Campbell, that he was to deliver this condenser? A. Not in the first place; that was included afterward.

Q. The contract that he made in September, 1870, we have had; and then the minutes show that the matter was referred to you, as a committee, to look after when this condenser had been already put into the contract? A. No, sir; if there is any such statement it is wrong, and can be corrected by calling for the parties concerned; I am positive that the condenser was a thing afterward arranged for; it was then referred, I think, to Mr. Johnson, to incorporate in the contract with the other part of Mr. Campbell's work, increasing it by the additional cost of the condenser; he had to buy a condenser from Mr. Lighthall, I think.

Q. Did Mr. Campbell receive more than $33,000 for the heating apparatus and the condenser? A. I think not, except it was for extra work outside; my impression is that the contract covered the whole amount, and I am almost positive of it; I abide, however, by the record in that regard; I think the records will show that Mr. Campbell's whole contract was $33,000, except some outside work that had developed itself; the condenser was not, in the first place, put in; I know that it was an after-thought, and then Mr. Johnson was directed to put it in the contract; I was an advocate for the necessity of a condenser before the board, and made myself very active — more so than the rest; my duty made it necessary for me to do so, because I had been appointed supervising commissioner, which made it my duty to go down there frequently; oftener than once a week while the work was in progress; in the investigation of the quantity of water to be supplied, it did not appear that we could utilize all the water, as the

tanks were not well connected; it would cost considerable and also cause great risk to connect them properly; this was after the contract was made with Mr. Campbell in the first place, which was for about $16,000; ultimately when it was made to appear that a condenser was necessary, and my associates concurred with me in that opinion, all of them; we got estimates as to the cost of a condenser; we did not advertise for that, but we took special pains and discussed as far as we could ascertain what parties supplied condensers of that kind, and we took that which we thought was the best adapted for the purpose, and, I believe, the one that cost the least money.

Q. You say that you were supervising commissioner; was that an appointment of the constructive board? A. First, by the governor; the law makes it the duty of the governor to designate one of the commissioners as supervising commissioner.

Q. And Governor Hoffman designated you? A. He did, eight days after I was made commissioner; and then the constructive board indorsed it subsequently, making me an employee of the board to do that duty.

Q. You, as supervising commissioner, inspected all that work from time to time as it progressed? A. I did.

Q. Now, so far as the construction of the work was concerned in relation to the riprap, did you supervise the delivery of that and the placing of it around the island? A. I did, so far as requiring a certificate of the quantity which was put there; and without recollecting the exact date, it was at my suggestion that the work of riprap as then constructed was stopped; we found that they were adding riprap over and above the requirements of the contract which we found in existence; in other words, the amount of riprap to be filled in, under the contract at $3 a yard, was exhausted; it was represented to the commissioners, when we first went into office, that, if we had to advertise over again, it would probably cost more than it would to continue the work as then done, requiring about 15,000 cubic yards to complete what was necessary; I became satisfied that we ought to take the risk, and the commissioners agreed with me; we, by resolution, discontinued that riprap work which was being done at $3 a yard and advertised for bids and got a cheaper contract; the contract which was made for riprap while I was commissioner was, I think, at $2.25 a cubic yard, and we required that every load should be measured, and it was only paid for on that condition, we had not found that to be a requirement before (I speak of this because you ask in regard to the inspection), and in the exercise of my duties in other matters it was the same; in such matters as occurred to me as being performed in a doubtful way, I frequently reported upon them and advised with the architect and engineer.

Q. Who was the person on the island that continually superintended the delivery of the riprap and took the measurements? A. We found no one that superintended it there; Mr. O'Rourke, who superintended the West Bank Hospital, counted the loads of stone that were delivered at the upper work, and I believe (it was so reported) he sometimes measured it there, but he was the only one that took account of the delivery, otherwise than Mr. Ritch whom we found there as superintendent and supervising architect.

Q. Did Mr. O'Rourke make his returns to you or to the board of the number of loads delivered there? A. He made them to Mr. Ritch.

Q. Now in relation to the other construction work you have testified to as done on the island; was that done by contract, if you recollect, or simply upon the order of the construction board? A. It was all done by contract that it was practical to have done by contract.

Q. Such work as was not done by contract, who attended to its supervision, who was the one to see that the proper material was used and the work properly done? A. You speak of general repairs that were not done by contract; I was there frequently and we kept a time-keeper during the whole time while the work was going on.

Q. Did the time-keeper make returns to you or to the architect? A. He made returns to me, which were reported to the board, and when these were varied from, our report prevailed; there is one other subject that I wanted to mention in reference to the plumbing contract; I was sitting here the other day, and something was stated which leads me to mention over again, in regard to that contract; I heard read that there had been a plumbing contract under the commission that preceded us, for $10,000; so far as I could ascertain, that was limited to the putting down of pipes; I wish the committee to understand that there had been no plumbing work done, so that the contract for plumbing work of Brian, Adams & Brian embraced all the plumbing work that was done after I went there.

Q. There had been, prior to the time you had been a member of the commission, a contract made for some plumbing work? A. Yes, sir.

Q. Who was that made by? A. By our predecessors in office; that contract, as I heard it read the other day, was $10,000; I understand that no other plumbing work was done but putting down new pipes; the plumbing work by Brian, Adams & Brian was between $5,000 and $6,000 for doing the whole of the work.

Q. Do you know whether any sum was paid to the former contractor who had the contract prior to the time you came into office? A. I take it for granted, from the records, that something had been paid; their contract had previously consisted in laying the foundation pipes.

Q. They had not furnished any pipe through the building? A. No, nothing of the kind; I want to add, as an additional reason in regard to the condenser spoken of, if you gentlemen have not examined. as to how the cisterns were arranged, you cannot, perhaps, fully understand the necessity of this condenser; there were nine cisterns in all, and eight of them connected with the hospitals, which were represented as being connected together; so that in the exhaustion of any one you would be drawing from the combined eight as from a common reservoir; this was found not to be the case; they had been connected with a syphon-like tube, which bent over from the top of the one to the other; these were put in when the cisterns were built, to prevent an overflow, and not with a view of drawing water out of them, so that if too much water was discharged from the roof into one cistern, it would flow over into another; it was not always efficacious, making the excavations necessary to connect them below; knowing the facility with which the sand would cave in, when going down to the bottom of the cisterns, and putting in pipes so as to make the cisterns effectually communicate with each other, it would not only be a matter of great labor, but it would endanger the foundations; therefore, in taking that into consideration, even in regard to the utilizing of all the cisterns (accepting the statement that there were 44,000 gallons), it was found that after putting in faucets and making the connection, the ordinary running of the engine for the heating apparatus, would exhaust the water, and there would not be enough for hospital use; it gave constant trouble; the engineer had to couple in one place and take off the coupling in another.

Q. These cisterns were all constructed before you became commissioner? A. Yes, sir; and this was one of the difficulties we met with in utilizing the water, even assuming that they held all they were reported to hold.

Q. Now, if there is nothing else in relation to that island that you wish to speak of, please to take Hoffman Island; what construction work was done on that? A. The construction work done there while I was commissioner, was adding riprap occasionally, and putting in sand daily; they had a gang of men at work filling in when I went into office in February.

Q. Was there any other work? A. Except the supervision of that work up to the time of the new construction; we immediately took into consideration and got appropriations made with a view to the structures which have been since put in there; we went ahead as fast as we could go consistently with legislative appropriation; the first appropriation made did not leave a balance, after the expenditures which we were directed to make, sufficient to undertake the work, or to make any contract at all, consequently we were put a year behind-

hand; and the money was spent for other purposes according to the direction of the legislature.

Q. Was there any other work on the island while you were commissioner? A. While I was commissioner we got up these buildings in great part; we had one entirely up, and had them all under way; the contract was, I believe, all completed except for some machinery or heating apparatus.

Q. Who held the contracts for these structures there? A. These contracts were held by Mr. Beard for the filling in of the beton wall and the piling for foundations, and the other was held by Lockman & Deveny; contracts were advertised for the completion of that work.

Q. With relation to all these contracts, were there any bonds given by the contractors? A. There were.

Q. Do you know whether Mr. Beard, who did some of the construction work, was, at any time, the bondsman for Mr. Swift, who seems to have had a great deal of work? A. Mr. Swift had no contract while I was commissioner, except the one that we found him there with, which referred to the riprap, and which was afterward discontinued.

Q. In your judgment, what would have been the proper cost for riprap, or what was a fair and proper cost for the riprap delivered around both these islands? A. My judgment on that question, as founded on my experience and on hearsay, would differ; we found, on advertising, that the lowest offer we had, was $2.25; I am sure we took the lowest bid for the riprap, and we advertised according to law for it; and I did all that I could so far as circulating information about it; according to my information and knowledge, I believe that even that was a high price; I felt sure that $3 per cubic yard, was a very high price at that time; but it was represented to me that the prices, taken in conjunction with the circumstances of delivering it there, could not be compared with ordinary supplies of stone where these difficulties did not occur; that is to say, at certain times the men employed would be embarrassed by bad weather; there would be a gang of men and a lighter of stone ready to go, and the condition of the weather would hinder them to such a degree as to make it necessarily more costly; this is the substance of the reasons held out why the prices should be high there for work of that kind; I had no other experience myself in the prices of riprap than while there, and the information I obtained through other persons working in it; I have ascertained from information which I accept, that the riprap there would have been a profitable job to most contractors at from $1.50 to $2 per cubic yard; I have had a gentleman tell me, who was engaged in such work and required riprap stone, that it could be put there, in his judgment, for $1.50 or $2 a yard.

Q. Did the party named in the contract for riprap have to unload the riprap and place it there himself? A. Yes, sir, he had to place it; and in the contract that I had made there (or it was made under my supervision), having found there was a great deal of riprap wasted by simply pitching it off the lighter and allowing it to spread on the bottom, I required that it should be landed and thrown from the top of the dock; so we had a railway made running round for that purpose in order that it should be dumped from the dock; and I refused to pay for one load where it was dumped in that way, and my directions in this respect were concurred in by the then architect and engineer; we put round Hoffman Island a little railroad track, by which the riprap stone was conveyed to the point required and pitched off from the top; before that it had been thrown from the lighter, and it spread out on the bottom, so that you could not approximate as to the amount, and there was a good deal of waste.

Q. I understand you, from all this, to say that there was hardly any possible way of measuring the stone which was put there? A After it was placed there, the only mode of ascertaining, in my judgment, was by measuring each load or by weighing the boat, and the stone; and so believing, we so acted while I was commissioner; we required that a certificate should be given by the engineer for the load of stone.

Q. Previous to your becoming commissioner, stone had been dumped there promiscuously, without being examined, and paid for without a certificate? A. I cannot testify on that point.

Q. You did not find any one measuring or certifying to it? A. No, sir; the stone was brought there to the island; I only said that we found that process going on; Mr. Ritch reported the quantity of stone; there was no special certificate, but the counting was done by Mr. O'Rourke, who lived on the other island; I know that he frequently came to this island, but whether he took any account or measurement there I do not know.

Q. There were payments made on these contracts, on the order of the commissioners, when you were a member? A. There was a balance due on the riprap, by the terms of the contract, retaining a certain percentage, which we had to pay.

Q. Were there any steps taken by the commissioners to ascertain, before allowing these payments to be made, whether or not the work under the contracts had been fully performed? A. Yes, sir; that was referred, of course, to the counsel and to the certificate of the engineer that this work had been done; that was required by us — certificates that the work had been done.

Q. Do you know who was the engineer at that time? A. Mr. Ritch.

Q. Do you know whether Mr. Ritch took steps to ascertain the

number of loads that were put there? A. I am certain he did; as to the manner of doing it, I do not know, but I have no doubt that he took such measures as to satisfy him that the work had been done.

Q. Who was the engineer prior to Mr. Ritch? A. I don't think there was any; I think Mr. Ritch was the first engineer on the works; we found him there.

Q. Can you give us the names of the commissioners, prior to the time you took office? A. Yes; previous to that, Mr. Cyrus Curtis, Captain Cobb (I forgot his first name), and Dr. Anderson, of Staten Island; Mayor Kalbfleisch was also a member of the construction board, and we also found Mayor Hall, at the time I became a commissioner, an *ex officio* member of the construction board at that time.

Q. During the time that you were commissioner, were there any proceedings or transactions had with regard to the health officer's residence on the upper boarding station? A. There were inquiries and discussion with reference to that matter; we found, according to the official record of the health officer and commissioners preceding our term of service, that when that island was undertaken, it was on such stated terms as to imply that it would be the residence of the boarding or health officer — that is, on Hoffman Island; we discussed the subject a good deal; I had done so before I ever became a commissioner of quarantine, and having had some experience in the bay of New York, inasmuch as I was on the coast survey that surveyed the island, it was at my suggestion, I believe, that an inspector was put there a good many years ago; I was of opinion myself that a boarding officer could reside at any point on the shore, after approaching the lower bay, where it would be most convenient; and I was inclined at first to the proposition that the boarding could be done as well from one of these islands, as a residence, as from either shore; but these were matters that concerned the health officer, as a practical man to do the work, more than the commissioners of quarantine; I found, without exception, but one voice in that respect — that it would be often impracticable for vessels to come near enough to be boarded at this station; in other words, if a vessel came into sufficiently deep water off Hoffman Island to be boarded in even windy weather (not to say heavy weather), there would be danger of her going on shore, if the wind was from the east; that it would involve the necessity of such a vessel coming up to the boarding station, which is now used as being the best, and the time involved for a boarding officer to go from Hoffman Island there, would occasion great delay to the vessel and increase the embarrassments upon us; these were questions that we covered, and after consulting with the pilots and getting the views of the pilot commissioners, I came to the conclusion that it would not be wise to hold to a residence on these islands; we concluded that so far as the

residence of the health officer was concerned, he should reside in the most convenient place to do his work; he was not dangerous, nor was the institutions dangerous to any community or person whatever, and he might just as well reside in Fort Hamilton or Brooklyn, if that were more convenient for boarding vessels.

Q. If the health officer's residence was upon this upper island, of course it would be a great saving to the state, so far as any lots were concerned upon the shore of Staten Island; would it not be just as convenient for vessels to go up higher in the neighborhood of the present boarding station and have the health officer board them from Hoffman Island? A. I have intended to cover that point; vessels have to be boarded the year round; and in winter, if an emigrant vessel went to the place where they are now boarded, and the boarding officer had to row from Hoffman Island in bad weather to that station, it would involve a good deal of delay; if the vessel had to come to an anchorage near Hoffman Island, where the boarding officer could come off, there would be danger of running on shore; residing where the boarding officer now does, the vessel can come so close that she can be boarded within an hour, perhaps, and thus there may be a possible saving of some days or even a week; it is a very great consideration to the owner of the vessel and to the passengers.

Q. What steps were taken when you were commissioner, in relation to locating the health officer's residence in the present place? A. I was appointed a commissioner in relation to this matter with the health officer, which resulted in securing the property now held.

Q. Who was then the health officer? A. Dr. Vanderpoel.

Q. When was he appointed? A. He came into office the second year of my appointment.

Q. And who was health officer prior to him? A. Dr. Carnochan; while he was in office he took no practical steps to secure my residence, but occupied the old quarantine under lease.

Q. Was that the same place where Dr. Vanderpoel now resides? A. No, sir; it was the old quarantine station; the old state property which belonged to the state, called Quarantine Landing.

Q. With whom was the contract made in relation to the purchase of lands on Staten Island, now held by the health officer? A. Mr. Appleton, I think, was the owner; Dr. Vanderpoel, the health officer, with whom I was appointed to represent the commission, accomplished all the details of the work; I went down simply to go over the ground; he made inquiries, and ascertained the eligible places; I went with him, and found that the other property, the old quarantine ground, would cost twice as much, and, in my judgment, was not so desirable.

Q. How much was contracted to pay for the property which was purchased? A. I cannot recall the exact figures, but I believe it is to be found in the report of 1873.

Q. Sixty-five thousand dollars and upwards? A. Something about that; I think the subsequent appropriation for fitting it up was made while I was commissioner, but I had nothing to do with fixing it.

Q. What buildings were there on the ground when purchased? A. Two dwelling-houses there at the time?

Q. How much rent did you pay? A. I should have to refer to the documents about that before I can answer; I think these questions are all subjects of record during the year, part of 1872 and 1873 [referring to a document]; the price of the property was $60,000; it consisted of about seven acres, and had 477 feet of water front; the boat-house, which had been built at the old station, was constructed so as to be movable, and it was moved to the wharf where it now is, and is part of the state property.

Q. Do you regard the purchase of that property, at that price, as a fair and reasonable price for the land? A. Yes, sir.

Q. Was this extent of ground necessary to be purchased — seven acres of land? A. Yes, sir; I examined it, and went all over it; I also examined the old site with a good deal of care.

Q. How much land was occupied on the old site for the health officer? A. The quantity of land reserved there and used, I am under the impression, was more than that; I met, in company with Dr. Vanderpoel, two of the owners of the old property — Dr. Swinburne and Mr. Shortland—and I forget now the price stated to us; it was given at that time under a reservation; there were two pieces of property, one for the residence, and then the water front at the old station, which was deemed to be especially valuable and would bring in an extra amount, adding very considerably to the price; so that it would have cost, to have taken that property, about twice as much; I believe it finally sold for twice as much as the other property we bought.

Q. There was some fitting up of the health officer's residence done during the time you were commissioner? A. Yes.

Q. Do you know how much was expended for that? A. I really cannot tell without referring to the figures; it cost a good deal.

Q. We have the figures somewhere; but we would like it in this connection? A. I think I can refer to it; that all was a matter of special direction under the legislature; $15,000 or $16,000 was expended on one part, fitting up and adding to it; there was a story, I think, added to the residence of the health officer and to the residence of his deputy; each, I think, had a story added; I think the whole amount, for the buildings and wharves and additions, cost $45,000, taking the whole aggregate together; I am now speaking,

however, from such recollection as I would waive on seeing the figures; I know the figures are stated; that was done, as you are aware, under special direction of the legislature.

Q. Now, go back to the island and the construction work done on that; did you, at any time find, beyond the matter of the riprap that you have spoken of, that the work done or the material furnished could have been done and furnished at a lower rate than was obtained, either by advertising or inviting proposals? A. Any of the work that was done?

Q. Yes; whether the prices charged were, in your opinion, larger than was proper for the same work? A. I am well satisfied, while I was commissioner, with the pains we took on contracts and in regard to working men we got there; that we got them at the lowest rates that we could get them; I would extend that to all the details of the work; that which we could not give on contract we took pains to get men there and paid them the lowest rates; and we got men employed so that we could utilize our boat forces; some of the carpentering work was done and the painter's work, by getting a foreman and then buying paints at wholesale, having them mixed, and our men employed, so that it cost considerably less than it could have been done for by the employment of any painters, or getting a contract for the work.

Q. Do you know what these brick buildings cost on Hoffman Island? A. I cannot tell; they were not finished when I went out of office; the contract for them was altered, wisely, I think; in other words, additions were made and the work done by the same men; that was also referred to me to ascertain how much it would cost additional; I reported all the figures that were offered, as was the habit, to the architect, to make an estimate subsequently, and then the matter was adopted as the voice of the board.

Q. These buildings were erected for the reception of well persons? A. Those on Hoffman Island — yes, sir.

Q. They have never been occupied since their erection? A. Not that I am aware of.

Q. Do you regard the erection of these buildings as a necessary part of a quarantine establishment? A. I do, most decidedly; I think it is very essential that a quarantine should consist of an establishment fit to meet any emergency; we found a time before these structures were there, when they were necessary, and we had to go to considerable expense for floating hospitals to provide for cholera patients; we had to take vessels in the lower bay and to take care of the patients there; in all ages in which I have studied the history of epidemics they will so behave; you cannot tell when they will come, and no quarantine can be considered a sufficient quarantine which is

not prepared for those emergencies, having all the paraphernalia for such emergencies; and certainly in no place in the world is such a necessity so great as in the port of New York.

Q. Prior to the erection of these buildings you say there were two emergencies which you have spoken of? A. Yes.

Q. Were there any other facilities or hospitals at quarantine for the reception of well persons than the vessels you engaged? A. In respect to the care of well persons, we landed them as soon as we could; often to the injury of the commerce of the port, inasmuch as other ports put this port in quarantine; we had to detain the persons for some time on the relief ships; there are no places round the harbor where you can take care of such people without serious detriment to the commercial interests of the city; the injury to commerce in one year might amount to more than the cost of all the structures on the upper island.

Q. Do you take into account the prices, or do you know the price of the buildings on Hoffman Island? A. I don't know exactly; but I suppose from the knowledge I have had that they cost somewhere in the vicinity of from $300,000 to $400,000 on the upper island.

Q. In that you include the riprap around the island, and furnishing? A. Yes; assuming they cost all of that, and even more, it would be better to have them than not to have such a provision in the port of New York.

Q. What I want to get at is, whether the prices charged for the erection of the buildings alone were not large and excessive, or whether they were reasonable and proper charges? A. I am fully persuaded they were proper; in the erection of these buildings and the manner of the work, from the knowledge I have and all concerned about it, I am very sure that these buildings on Hoffman Island were economically erected.

Q. Do you know what the three brick buildings cost there? A. I have answered awhile ago that they were not complete when I left; I don't know what the extras were, without looking at the figures, but I know what the contracts were and I known what the work was; so so far as my term of office went I continued to supervise it, and when I saw any thing that in my judgment was not good, I rejected it and made the parties lose it; I did find such occasions frequently; it required vigilance, which I have reason to believe was carried to the end, even after I ceased to be a commissioner; I know the buildings were put up with care, and I am very well assured they were put up as well as the situation would admit of, and without any extraordinary price.

By Mr. ALVORD:

Q. I have heard from a very good source the proposition that the best quarantine which can be had in the port of New York, would be a floating quarantine, something on the same principle as the "Illinois," carrying that out beyond a simple receptacle for diseased persons, to the reception of persons apparently free from disease, who had to remain there until it was determined whether or not they would be susceptible to disease, or till such time as they could be discharged safely into the port of New York; I have heard that such a quarantine would be very much more economically administered than the permanent buildings; have you ever thought of that? A. I have thought of it, and know a little about it.

Q. What is your opinion about it? A. My opinion is that it is utterly absurd and that it would be very fatal to life; suppose a vessel came in with 1,000 persons on board, some of them down with cholera, and you have nothing but a floating hospital into which to empty the sick and the well, the one into one vessel, and the other into another you have to take into consideration the fact that this great concourse of persons consists of both sexes, frequently families of children, who have been penned up in a space that affords not one-quarter the cubic space sufficient for health; they are already demoralized with the quarantine disease; put them in another ship where you have to organize a force spontaneously, and in a place which at best is like fitting up a floating cellar (for a vessel is, for the most part, little better than that); after you have done what you can for the upper part, the lower part is still subject to stagnant air; and so far as the conditions are concerned for taking care of the well or taking care of the sick, these conditions are dangerous to a high degree; and when you undertake to put such a thing in comparison with the buildings that we have in the lower bay, I don't think it is worthy of consideration; I think that any one who puts a value on human life, cannot, for a moment, tolerate the thought; then go further, and consider the dangers of contagion to the well; you cannot have on board of a ship the paraphernalia for fumigation, or purifying both persons and clothing that you can on shore; a ship comes in with yellow fever, or cholera, or small-pox, and their dunnage has to be disinfected and destroyed; their bedding has to be taken care of; then the supplies is another consideration; in our establishment as it now exists, you have all the equipments ready, and supplies are readily obtained; there is no embarrassment to any thing at any season of the year; and we are just as likely to have cholera in the winter as in the summer; let it come in the winter, when vessels can hardly move in the harbor by reason of the ice, and the Staten Island boats are sometimes stopped

for days — assuming an immigrant ship to come in under such circumstances, with the means of supply cut of for taking care of the sick, and, you will excuse me if I speak feelingly, but I think it would be barbarous, unworthy of civilization, and certainly would be unworthy of the port of New York, with the experience it has had; then take the detriment to property; since 1846 the whole of Bay Ridge, one of the finest locations near New York, has not recovered the infection that it got from the yellow fever, caused by anchoring ships along the shore; they have got yellow fever from that quarantine; I know it well; it has been my good, or bad, fortune to have a good deal to do with yellow fever, and I know the danger; and the experience that New York has had in that one instance alone, it seems to me, ought to be enough to convince every man of the propriety of having quarantine so situated, so policed, under the control of proper officers, and with such facilities as will most expeditiously give the merchants their ships; that is what quarantine should do; let the merchant have his ship at the earliest practicable moment, every well person his liberty at the earliest practicable moment, and every sick person to be taken care of.

Q. You have answered my general question in the negative; I want to know from you the difference, provided your floating hospital were situated as your islands are situated — the same distance from the shore — as regards the health of the surrounding shore? A. So far as the surrounding shore is concerned, it is the same thing.

Q. If your hospital ships were situated where Hoffman Island is, and Dix Island, what would be the effect on the adjacent shore? A. In either case it would have no effect on the adjacent shore; it is too far off.

Q. Then, so far as that part of your argument is concerned, it makes no difference — that is, so far as it affects the health of the adjacent shore? A. No; but your question embraced the effect on the patients, as compared with the island.

Q. Your proposition is that a hospital ship is unfavorable to the recovery of patients, from the fact that a large portion of it is below the water-line, and the chance of recovery is not so good as in a permanent location on land? A. Yes, sir; I mean to cover both points; your question would seem to cover only so far as the safety of the community was concerned about the ships; the other takes into purview all the conditions; the first year of the war I was applied to; we had reason to expect yellow fever, and I was engaged to take charge of the yellow fever hospital ship in the lower bay; I was supposed to have some knowledge upon that subject, and Mr. John C. Green, who was then president, and Dr. Gunn, the health officer, applied to me; I concluded to do

so on Dr. unn specially relinquishing any supervision; I said I did not care to take such a position subordinate to any one, although having the highest respect for Dr. Gunn; I got a most kindly note from Dr. Gunn, saying that he would be glad that I should take charge, and that he would not go near me all the summer; yellow fever did come here from Port Royal, on the United States ship Delaware, and in one day 61 cases of yellow fever came to us; we had besides a large number of invalid soldiers from Port Royal, who had had yellow fever; I immediately reported the thing to the quarantine commissioners — that we wanted provision to take care of the well, who would probably lose their lives if we kept them there on board the hospital ship; that we must have some place to put them in; after three days of delay, not getting the vessel, I took the responsibility myself, for the purpose of saving their lives; I took the sick, as well as the well on the floating hospital, and made the best provision that I could for them; four or five days afterward — the commissioners doing all they could to get the vessel, for people do not like to let their ships for such purpose — four or five days afterward I got a ship to take care of the well people whom I had been taking care of on the hospital ship; I had them all dressed in new clothing, placed on board, and after keeping them there about a week, had them sent on land; I said the sooner they could get on shore the better.

Q. Did not the hospital ship in that case, and the reception ship, answer the purpose? A. It did; but I did not want such work again; I had a sufficient test of the confusion it created, and the demoralization of the people to be placed among yellow fever patients.

Q. My idea was, and my question was, whether or not you could not have a floating receptacle for the well, entirely distinct from the floating hospital for the ill, as you have got Dix Island and Hoffman Island — whether or not you could not have a hospital ship and a reception ship, rather than the expensive arrangement of the island? A. In answer to the question whether such an arrangement could be made practical, I would have to say yes; but in answer to the further question, whether it would be equal to the present arrangement, or even approximately equal, I would say no.

Q. Taking into consideration the cost of supervising and carrying on these islands in relation to the cost of the floating hospital — after you had settled the humanitarian question — would not the floating hospital and the reception ship be cheaper? A. I doubt if it would be any cheaper.

Q. How many "*Illinois*" would it take to serve for a hospital for the sick and for the reception of the well, giving accommodation equal to the present quarantine establishments, or taking into possibility the

exigencies of this port? A. To meet the possible exigencies, I think you would require what would be equal to the capacity of two "*Illinois*" to give facilities to the sick equal to the West Bank hospital; and I suppose that it would require ten more to give the facilities for the well as the other island does.

Q. Now what would be the cost of these hulls? A. The cost of these hulks, from my knowledge of the "*Illinois*" — you don't take it for granted that you get them given to you?

Q. No; I talk of the value of these hulks which are constantly going out of use for the purposes for which they were built? A. I don't suppose that you could get such ships, when fitted up and equipped as the "*Illinois*" is, ready to receive patients on board, for taking care of the well, less than $100,000 a piece.

Q. Then that would be more expensive than fixing Hoffman Island? A. Yes, sir, in the original cost; and they would not last nearly as long.

Q. Who was the health officer when you first went there? A. Dr. Carnochan.

Q. Where did he reside? A. At the old quarantine station; it had belonged to the state; there was a reservation; the property was leased by the state for his residence.

Q. It did not then belong to the state? A. No; the property had been sold; it belonged formerly to the state.

Q. Who was it sold to? A. To the then health officer, named Dr. Swinburne, and Mr. Shortland and another gentleman.

Q. How much was the original property? A. I don't know how many acres; I had no occasion to keep it in mind.

Q. It had been sold prior to Dr. Carnochan's residence as a health officer? A. Yes.

Q. What was the lease of that property per year? A. The lease and the expense of keeping it in order was, I think, $15,000; that is, about $12,000 a year for the lease, and, I think, $1,500 was appropriated to keep the particular premises in order.

Q. Do you recollect the cost or expense of fitting them up, in addition to the lease? A. The $1,500 a year, after we got it in order; this included, of course, the wharf front, the landing, and every thing connected with it; the first outlay in building the additions to that property, and the first repairs, I believe, from general recollection, cost somewhere about $45,000.

Q. The old health officer's residence? A. Yes.

Q. In other words, the state leased it at from $10,000 to $12,000 a year, and put on additions and repairs to the amount of $45,000? A. That is my general recollection; but I am only answering now from recollection.

On motion, adjourned to 10:30 A. M., to-morrow.

NEW YORK, *September* 8, 1875.

The committee met at Castle Garden pursuant to adjournment, at 10:30, A. M.

Present — Hon. Mr. Schuyler, Chairman *pro tem.;* Messrs. Alvord and Waehner.

Charles H. Haswell, called and sworn:

By Mr. WAEHNER:

Q. You were at one time the engineer of the commissioners of quarantine, were you not? A. I was.

Q. Will you state when you were first appointed, and how long you acted in that capacity? A. I was appointed, I think, in February, 1871; and I remained until the 1st of August, 1873.

Q. Who were the commissioners of quarantine during that time? A. The mayors of New York and Brooklyn, Richard Schell, Mr. Barton and Dr. Bell.

Q. During that time will you state what the duties of your position were, as connected with the commissioners of quarantine? A. From the time of my appointment to that of Dr. Vanderpoel's appointment, I was general engineer for the commission; I was superintending the fitting and repairs of steamboats, of floating hospitals, Dix Island and Hoffman Island, and designing the structures for Hoffman Island; upon the advent of Dr. Vanderpoel, he assumed the charge of Dix Island, and the superintendence of the steamboat and floating hospitals.

Q. As also the completion of the buildings on Hoffman Island? A. No; I remained the engineer of them.

Q. There was some change in the plan, was there not, after the advent of Dr. Vanderpoel, in the construction of the buildings on Hoffman Island? A. The contract for the construction of the buildings on Hoffman Island and the erection of the structures was made immediately after Dr. Vanderpoel's appointment; before the work progressed to any considerable extent, Dr. Vanderpoel suggested and induced the alteration of the structures, by the addition of a story to each of the buildings, which involved additional or supplementary contracts.

Q. During the time you were acting as the engineer of the commissioners, was it part of your duty and business to superintend the work as it progressed, take measurements and make returns to the commission of the work as it progressed? A. It was.

Q. Did you superintend, and take any measurements of the riprap delivered around each of these islands? A. I did.

Q. Will you state what the nature of those measurements was, and in what manner they were made, and what returns were made by you? A. In order that I might be justified in my certificates or receipts of riprap, I requested of the commissioners that the person resident upon Hoffman Island should furnish me with reports of all cargoes of riprap delivered there.

Q. Who was that person? A. The man that had been in charge of the island for some time, with his wife and family; he is dead now; when he was discharged and a new contract was entered into for the stone, I required the contractor to report to me when he was ready to deliver a cargo, in order that I might verify the volume and the delivery of it, so far as was practicable; in addition to which the superintendent at Dix Island, at my instance, was required to keep a record of the arrival of every cargo at Hoffman Island; in addition to all of which I measured the vessels in which the stone was transported, and took all the measures within my power to verify the receipt; in some instances I refused to certify to the delivery where it had been deposited in opposition to my instructions.

Q. Were those returns of measurements filed by you with the commissioners? A. I gave the certificate.

Q. Did you keep any entry yourself? A. I kept a record.

Q. You have these records, I suppose, complete? A. Yes.

Q. In all of those instances, before the contractor was paid the 15 per cent which was generally retained upon a contract, did you give a certificate to verify the delivery by him of the material, or of the doing of the work? A. I was required to give a certificate for the delivery, in accordance with my own observations and the returns of the officers of the commission, who had been instructed to furnish me with them.

By Mr. ALVORD:

Q. Mr. Waehner's question is in regard to the final payment, when you came to pay the 15 per cent retained, after the completion of the contract; did you then go over all your figures and verify the result, and give a general statement of the entire amount that had been delivered, certifying that the work had been completed in accordance with the terms of the contract? A. No, sir; that was done in the office of the commission.

By Mr. WAEHNER:

Q. You gave no such certificate? A. No, sir.

Q. Do you know of any mode which the commissioners had of verifying the delivery and final completion of the contract, other than

that you have now given us, before drawing their warrant for the payment of this sum of 15 per cent retained on all of these contracts? A. The volume of the receipt of stone was not determined by the terms of the contract; the limit of the receipt was the completion of the work.

Q. I am speaking now, not only of the riprap delivered, but some work where payments were made from time to time on the contract? A. Yes; I thought you were now referring to the riprap.

Q. I do not care to go into the details of each particular job; but, to know the general system before the commissioners drew their final warrant? A. As to the work of construction, I will come to it presently; in connection with the matter of the riprap it is proper that the committee should understand that the volume of stone received was very much increased in consequence of Dr. Vanderpoel's raising the height at which the wall was to be made; he raised the height very much beyond the original plans; now, as regards the construction, in settling with the contractors for the piling, the beton wall, and buildings, I furnished an abstract, setting forth the amount to be paid to them under the contract, the amounts paid to them and the balance due.

Q. Now, you have been an engineer for a great number of years, I believe, and you are of course familiar with the prices usually charged for the construction work of the character you superintended; would you state whether or not the prices charged in these different contracts for riprap particularly, and for other construction were reasonable or whether they were too high? A. The prices for the first contracts for riprap wall were high; the first contract for buildings was very low — too low; the interests of the state suffered in consequence; the amount of the second contract, that is to say, for the extension of the building was very high; the price for the beton wall and the piling were fair.

Q. Now, the original contract for the delivery of this riprap was made prior to the time that you were appointed engineer? A. Yes.

Q. The contract made and the price charged was, I believe, $3 per cubic yard, in that instance? A. It was.

Q. There was a subsequent contract made for the delivery of rip rap at $2.25 a yard? A. Yes, sir.

Q. Was the contract made during the time you were engineer? A. It was.

Q. Did the commissioners of quarantine consult or determine with you, before entering into that contract, as to the prices? A. They did.

Q. Did you regard that price of $2.25 at that time as a fair and reasonable one? A. I did.

Q. But the price of $3, you claim, was too high entirely for this work, as paid under the original contract? A. It was higher than it could be procured or contracted for.

Q. Now, in relation to these buildings on Hoffman Island, you say the original contract was too low? A. Yes; it was against the interests of the state.

Q. And when the health officer took charge of them — as to the additional work put on them — you say the price charged for that was entirely too high? A. In my opinion.

Q. Can you tell the committee what the price of each one of these buildings was as finally completed? A. The amount of the contracts and extra work was $115,000.

Q. Do you say that includes the extra work? A. Yes.

Q. The evidence we have had heretofore, was that Lockman & Deveney's contracts were $115,100 and the extra work $2,021.25? A. There were some little trivial affairs added.

Q. You have reference then to the contract of June 27, 1872, for $65,770, and the one made October 9, 1872, for $49, 330? A. Yes.

Q. That would be $115,100; when did you say Dr. Vanderpoel came into office? A. In May or June, 1872.

Q. Well, the first contract made, June 27, 1872, was that made by the doctor? A. It was.

Q. The second contract of Lockman & Deveney, which you say was too high, was that advertised for? A. No, sir.

Q. How was the work given to them to do; in what manner; were any proposals invited from other parties? A. No, sir; Lockman & Deveney were the contractors for the buildings; in accordance with directions from the commission, I made the drawings and specifications for the additions, which I submitted to Messrs. Lockman & Deveney, and their estimate was called for; and the contract was entered into with them upon that estimate.

Q. In relation to the beton wall, you say the prices charged there fair? A. Yes; fair prices.

Q. Do you know of any other construction work, besides what you have alluded to, that was upon either of these islands, whether advertised or by contract; what we want to ascertain is just exactly what work was done under the construction board? A. The furnishing and laying of the cast-iron and clay pipe for water and sewers, the construction of the cisterns, the plumbing work, the gas generator and the steam heater were all advertised for.

Q. How about this condenser; was that furnished during your time? A. No; that was in 1870, I believe; about the time that I was completing my duties there; Dr. Vanderpool erected a steam-boiler and some other works there, of which I had no charge.

Q. Were you consulted or advised with in relation to that additional contract for these buildings with Lockman & Deveney, as to the price — your opinion asked as to the price? A. When it was decided to add to the buildings, I was asked to make an estimate of the probable cost; I did so; the contract, however, was made with these parties without my estimate being called for.

Q. Did you make the estimate? A. I did.

Q. How much lower was your estimate than the price charged under the contract? A. My estimate was about $28,000.

Q. For which there was $49,000 charged; your estimate was, that the same work could have been done for $28,000, finishing the building according to the new plans and specifications? A. I am free to admit, however, that, in view of the unusual expenses of furnishing material and work upon an island in the lower bay, my estimate may have been somewhat too low.

Q. Can you say about how much it was too low, or what would be a fair and reasonable price for the trouble of conveying the material there; I suppose you estimated upon the buildings of that character being erected here in the city of New York, where the material would be more convenient? A. I should think $35,000 would have been a very full price.

Q. Am I correct in assuming that your estimate was made, based upon what furnishing the materials would cost in the city of New York, where material would be at hand and more convenient? A. No, sir.

Q. Then, upon what did you estimate the original price of $28,000? A. Upon delivery there.

Q. Do you think that a margin of $7,000 would have given to the contractors, a very full price for the completion of these buildings? A. Yes; and a fair profit.

Q. Was your estimate called for by the doctor or any of the commissioners; did they ask you what your estimate was? A. No, sir.

Q. But you were requested, originally, to make the estimate? A. I was.

Q. Who requested you to make that? A. Dr. Vanderpoel.

Q. Do you know whether Dr. Vanderpoel took any other steps to acquaint himself with the value and price of such work; whether he got any other estimates? A. I do not.

Q. The only two items in which you say prices were too high, were in relation to the riprap, the original contract at $3, and the completion of these buildings; all the other work was fair and reasonable, and in one instance it was too low? A. Yes.

Q. Did the contractors, under their first contract, do their work in a workmanlike way — Lockman & Deveney? A. They did not do

the work as well as, I think, they ought to have done it, and as I endeavored to obtain it from them.

Q. They were paid from time to time under their contract, several sums? A. Yes, sir.

Q. Did you, at any time advise the commissioners of the fact that they were not doing their work in accordance with the terms of their contract, before the commissioners made any payments to them on it? A. Dr. Bell, the supervising commissioner, was associated with me, under the terms of the contract, to supervise and decide upon the integrity of the material and work; I think I can give a better idea of my course if I read two or three of my letters on that subject.

The witness reads the following letter:

"QUARANTINE CONSTRUCTION BOARD,
"ENGINEER'S OFFICE, 6 BOWLING GREEN,
"NEW YORK, *September* 23, 1872.

"SIRS — Upon my visit to the Island No. 2, on Saturday last, I noticed that you had used floor beams of other than white pine, as required by the specifications.

"You will notice, therefore, that hereafter no material of any description will be received that varies from the specifications.

"In the matter of the window frames, I have, upon consideration, decided not to receive them in their present condition, in consequence of the character of the materials and finish.

"If the rough and knotty parts of them are removed, and my associate, Dr. Bell, should be willing to receive them, I will join him in such action, but not otherwise.

"If the blinds in progress of construction are of like material and finish, I suggest you arrest all work upon them until I have seen such as are constructed.

"In the furnishing of materials and in character of their fitting and finish, I further suggest that you first obtain my details of drawings and requirements before you proceed as in the case of the window frames and floor beams.

"I am, respectfully,
"Yours, etc.,
"CHAS. H. HASWELL,
"*Engineer:*

"Messrs. LOCKMAN & DEVENEY."

Q. Right in that connection, were your suggestions and advice to these contractors adopted by them? A. Not as fully as I wished.

The witness read the following letters:

"QUARANTINE CONSTRUCTION BOARD,
"ENGINEER'S OFFICE, 6 BOWLING GREEN,
"NEW YORK, *November* 23, 1872.

"SIRS — Failing to meet you at Hoffman Island this day, I have now to advise you, that I was surprised to find that notwithstanding my having repeatedly called your attention to the manner in which the floors of No. 4 building were laid, and your promises to relay them, yet you have proceeded to erect the walls without making the alteration in full as required by me and by the terms of the contract.

"In your absence, I notified your foreman not to proceed with the laying of any of the remaining walls until the floor-beams of the western lines were laid as required.

"As regards the east wall which you have commenced, I shall meet the case by referring it to the health officer, and if he is willing to receive it with the floors as set, well; but under no directions can I certify that the work has been performed under and in pursuance of the requirements of the contract.

"Further, you will protect the tops of the brick walls already laid with covering boards, which provisions alike to others you have persistently neglected despite my directions.

"On Monday, I shall again visit the island, and if my directions are not in progress of compliance, I shall, as in duty bound, forthwith report your negligences to the board.

"I am respectfully, yours, etc.,
"CHAS. H. HASWELL,
"*Engineer.*

"Messrs. LOCKMAN & DEVENEY, Tompkinsville, L. I."

"QUARANTINE CONSTRUCTION BOARD,
"ENGINEER'S OFFICE, 6 BOWLING GREEN,
"NEW YORK, *December* 18, 1872.

"DEAR SIR — I have cause to believe that the contractor for stone at Hoffman Island is not fulfilling his contract with integrity.

"I advised him under date of 12th inst., that I objected to any more deliveries alike to that of the two last cargoes, and I advise him this day to furnish me forthwith his account, with date of arrival of vessels at the island, their names and when discharged, with the names of their captains and from where he received the stone he delivered.

* * * * * * * *

"I am respectfully, yours, etc.,
"CHAS. H. HASWELL.,
"*Engineer.*

"S. O. VANDERPOEL, M. D.,
"Health Officer, Staten Island."

"QUARANTINE CONSTRUCTION BOARD,
"ENGINEER'S OFFICE, 6 BOWLING GREEN,
"NEW YORK, *October* 10, 1872.

"SIR — Whilst at Hoffman Island yesterday P. M., there arrived a schooner loaded with stone for the rip rap there, and as it was reported to be a delivery under your contract, I measured the volume of her load.

"Under the circumstances that the deck of this description of vessel is irregular in elevation, that there are necessary recesses over the hatch-ways, around the masts and companion-way, the measurement of a deck load is rendered so complicated as to involve errors in the determination of both depths and distances.

"If you purpose to use this vessel or others of a like construction, and the board of commissioners should accept them as proper vehicles of delivery, it will be necessary for you to advise me of the arrival of every vessel at the island, in order that her load may be measured before being delivered.

"I suggest therefore that you call upon me and give me a detail of the manner in which you purpose to proceed before I make a report of the present condition of the case to the board referred to.

"You will please note that I shall give no certificate for any delivery of stone which I am not cognizant of in all the elements necessary for a computation of its volume.

"I am respectfully yours, etc.,

"CHARLES H. HASWELL,

"*Engineer.*

"Mr. HUGH MCROBERTS,

"Tompkinsville, L. I."

Q. Did you at any time advise the board of these defects, or at least of this want of compliance on the part of the contractors? A. Yes, sir.

Q. Were any steps taken by the board in pursuance of your suggestions? A. Yes, sir.

Q. What were the steps taken? A. Dr. Vanderpoel sent for the contractors and reasoned with them.

Q. Did they subsequently comply with the terms of their contract? A. Dr. Vanderpoel accepted the work; and also Dr. Bell, while he was in office.

Q. You were bound to give certificates of the proper compliance of the contractors with the terms of their contract? A. Yes, sir.

Q. Did you in this case feel warranted in giving certificates of the proper compliance on the part of the contractors with their contract? A. I felt authorized to do so, the work having been received by Dr. Bell and Dr. Vanderpoel.

Q. In your judgment, did the contractors comply with the terms of their contract? A. Not as fully as they ought to have done.

Q. Did those contractors at any time claim that they could not comply fully with the terms of the contract by reason of the lowness of the price? A. I think they did, to some extent.

Q. Did they at any time bring the matter to your knowledge — to the attention of the commissioners? A. Not that I recollect.

Q. Taking now the lowness of the price paid on the first contract, and the large price paid upon the second contract, what would you say as to the price paid finally for the buildings under both contracts — whether it was too large, or fair and reasonable? A. I think it would be a fair price.

Q. For the whole buildings complete? A. Yes, sir.

Q. That $115,100 is a fair and reasonable price? A. Yes, sir.

Q. And the largeness of the price paid on the second contract compensated for the deficiency in the first contract, and was not therefore disproportionate? A. Yes, sir.

Q. Now, it was not until 1873 that Dr. Vanderpoel took the absolute control and charge of these buildings? A. In 1873.

Q. Then this second contract was probably made with the commissioners, and not with Dr. Vanderpoel? A. Yes; it was made with the commissioners.

Q. Did you have any thing to do with the procuring of this new boarding station for the health officer's residence? A. No, sir.

Q. Or with the furnishing of it, or the furnishing of it, or any thing of that kind? A. No, sir; after it was purchased by the commission I looked at it for the purpose of preparing estimates for the cost of grading, of reconstructing the houses, constructing a pier and landing station.

Q. Was that estimate made by you adopted by the health officer? A. I think the estimates were reported, and submitted by him to the committee at Albany; they were afterwards reduced.

Q. Now, all your certificates of the progress of the different works were given and filed by you with the commissioners of quarantine, and should be in their office? A. Yes, sir.

Q. Who was the secretary of the board during the time you were connected with it? A. Frank E. Howard.

Q. He was secretary of the commission? A. Howe — he was secretary to both the commissioners, and to the construction board, until the early part of 1873; then Mr. Leeds was appointed, immediately after the adjournment of the legislature.

By Mr. ALVORD:

Q. In all cases where any work was done there under your supervision—the original work—were maps, plans, and estimates and specifications made out by you? A. Yes, sir.

Q. And should be on file in their office? A. I may have some of them with me—some of the minor parts.

Q. But the original maps, plans and estimates on which the contracts were made? A. They are in the office of the commission, and duplicates at Albany; they were of this kind (producing some drawings); Dr. Vanderpoel required the stone to be carried to *there*, which involved a very essential increase in the volume of it; that made a difference between the estimates and the actual amount delivered; then there is another point; the tide at some points *here* made a difference of eight feet; this stone subsided and had to be filled in; it varied from the normal depth; we had 16 feet *here*, and Dr. Vanderpoel carried this up much higher than I designed or thought necessary at the time, and that involved an additional expense.

Q. You say you were connected with this work about two years, and you had charge of the hospital ship? A. Yes.

Q. And you had charge of the hospital ship, and all that sort of thing? A. Yes.

Q. Did you make any observation, in a general way, in reference to the idea of taking care of quarantine by means of hospital ships, as against permanent locations like those on Dix and Hoffman Islands; first in reference to its economy, and next in reference to its sanitary features?

A. If the commission had to construct or purchase the vessels, a sufficient number of vessels to maintain a floating quarantine; I do not think the difference between their cost compared with the maintainance of a permanent structure would be much.

Q. Take it as it is, and as you know it is — that there are constantly going out of the service (as in the case of the *Illinois*), vessels from the commercial marine; and that they can, as a matter of course, be bought very largely below the estimate of original cost of building — how would you then look at it, taking into view the ease or difficulty of getting a sufficient number of vessels of the character of the *Illinois* for that purpose, in an economical view? A. The permanent cost of the vessels would be very much less than that of a permanent structure; the cost of maintenance, however, would not differ much.

Q. But the original cost would be much less for the building of an hospital? A. Very much.

Q. Are you physician enough to know any thing of the sanitary effect? A. I don't know; it would be traveling a little out of the

record, for me to enter into that field; my opinion is, that the permanent structures here are most beneficial in a sanitary point of view.

Q. What is the use of the hospital-ship there, now, as a part of quarantine? A. Vessels arriving at this point affected with certain proscribed diseases, which are held to be contagious — the persons are transferred there and treated.

Q. Why not carry them to Dix Island? A. Dix Island is constructed and maintained for a like purpose.

A. N. Bell, being re-called, further deposes and says:

By Mr. WAEHNER:

Q. When you were commissioner of quarantine you had, of course, opportunities of observing the working of the department, as now created — with the health officer and with the commissioners; in your opinion, is the office of commissioners of quarantine necessary, taking into consideration the power now vested in the health officer, and as the law now stands? A. Well, as a permanent body (seeing that the quarantine is now completed), I should think that their existence is necessary, at least as a body of appeal, for the satisfaction of merchants.

Q. I suppose that you are aware that, during the administration of the present health officer, there have been no appeals at all to his decisions? A. I am; there has been no necessity for it.

Q. Do you know of any amendments to the law which you might suggest, which might remove the necessity of having quarantine commissioners, and deprive the health officer of any power which he might arbitrarily exercise? A. I suggested once — some years ago — in co-operation with the merchants, that a commission of appeal or board of appeal might be created, to be constituted whenever it was necessary, consisting of some representative man among the merchants, who might be chosen from his *ex officio* position as the president of the chamber of commerce, to be associated with the mayors of New York and Brooklyn; I recollect making such a suggestion to the merchants some years ago; I found it was not entirely acceptable to the merchants; they seemed to think that the mayors of New York and Brooklyn did not, or might not, represent the real interests of the port as effectually as other persons, regarding their positions as political; it has not changed my opinion, however, as I think as good objections might be raised against any other men that could be named; and, if we are not to regard the mayors of these cities as being as much interested in the commerce of the port as any others who can be named, I would be at a loss to select others; my suggestion was, at that time, that the

president of the chamber of commerce should be associated with the mayors of New York and Brooklyn and constituted a board of appeal from the decisions of the health officer; I was in co-operation with the merchants throughout all of this discussion; it began in 1870 and continued until Dr. Vanderpoel came into office; the merchants became satisfied (and I did all I could to satisfy them) that it was better then, not even to press the bill which had been prepared comprehending the principle of the organic law of 1863, and weeding out certain parts that had been added and some that had been retained (certainly for no good reason when they were first passed), which had become dead-letters under Dr. Vanderpoel's administration.

Q. During the time that you were commissioner were there any appeals from the health officer's decisions? A. There were two appeals, as well as I can recollect, one came through the governor — I speak now of the straightforward, legal appeals — one came through the Messrs. Pendergasts, in regard to a ship that had arrived off the port; the cargo being entered for New York, she went to Perth Amboy and took a new clearance; that case was appealed to the board and decided promptly under the law; the board convened, and it was at once decided; the other case was by Messrs. Charles Marshall & Co., who wrote, first, a letter to the governor (hardly to be called an appeal in one sense, but the governor sent it to the commissioners of quarantine as an appeal), in which they take exceptions to the charges under quarantine.

Q. Those were lighterage charges? A. Lighterage and general charges for services in regard to keeping patients and the transportation of sick from the island to the small-pox hospital; the evidence and the action taken upon that is all published.

Q. Independent of the power of appeal, now vested by law in the commission of quarantine, their office would be entirely unnecessary, in your opinion? A. I think so; I wish to qualify that, however; you are quite as capable of understanding the contingencies in that respect as I am; we have not always had health officers that satisfied the mercantile community; and how much such a provisional commission might find itself called upon, under such circumstances, if they should ever recur in this board, I can hardly risk a judgment; I have been somewhat familiar with quarantine in New York for 21 years; I know of some of the abuses and difficulties, and the efforts and embarrassments in their various attitudes, and there have been circumstances here when the attention of somebody (whatever you may call it), as a commission or as a board, would be almost constantly required during the active quarantine season; whether it would be proper to impose such a duty upon *ex officio* officers, such as I have

named, is a question which you are quite as capable of determining as I am.

By Mr. ALVORD:

Q. You come to this simple conclusion, as I understand, that the commissioners of quarantine are really no benefit, except as a sort of appeal board from a possible wrong direction or action of the health officer? A. Yes, in case of a complete quarantine.

Q. Why should not the power of appeal from the health officer's decisions be as well lodged in the court of arbitration, which represents the commerce of the port, or in the general term of the supreme court of the city and county of New York? A. I know of no reason, as applied to the first officer, why it should not, because he represents commerce; also in regard to the general term; I know no objection to either of them.

Q. It would be simply a legal question under any circumstances? A. It would be a legal question in part; I might say further, I know that the whole purpose of the quarantine commissioners, under the law of 1863, was with regard to the construction of the quarantine establishment and building it; the law did not contemplate any further use for them other than as a board of appeal.

Q. And you think they are useless as an office of emolument unless an absolute necessity arises in the case of a desire or necessity of appeal on the part of merchants from the decision of the health officer? A. Yes, sir; and in such a case provision might be made for payment of their services.

By Mr. WAEHNER:

Q. You are familiar with the law in relation to the sanitary condition of the city of New York; the health officer is a member of the board of health of the city of New York, is he not? A. Yes.

Q. And in matters of appeal from the decision of a heatlh officer, quarantining a vessel for a certain time, to the commissioners of quarantine, after they have decided against the health officer, the board of health of the city of New York would have the ultimate power of deciding in relation to the matter anyhow? A. Yes, somewhat.

Q. And the power of giving sanitary directions in regard to diseases threatening the city? A. Yes.

Q. And their power in that respect is not limited to the island; the mayor has the power of issuing certain proclamations appertaining not only to this island, but to the port of New York? A. He has.

Q. In that view, would it not be just as well to leave that appeal to the board of health of the city of New York? A. Not so long as the health officer is a member of the board, in full power with the board.

Q. But leaving him out? A. Leaving him out it would; as long as the health officer is a member of the board of health, he is the strong man upon whom the board rely in case of complaint; and it would not answer to have an appeal to them while he was a member of the board.

Q. But eliminating him from the board of health, do you think that would be a proper tribunal for such a sort of appeal? A. Yes.

By Mr. ALVORD:

Q. What is the necessity of the health officer of the port being a member of that board? A. The law does not contemplate that the health officer should be a member of the board of health; it is a totally different law that makes him a member; it is the law constituting the quarantine commission, and not the quarantine law; I held the opinion several years ago, and up to the time of Dr. Vanderpoel's being appointed health officer, that the health officer ought not to be a member of the board of health of New York; and unless I were ready to accept the proposition (which I am not) that we may continue to have such an administration as his, I hold to that opinion still—that we would be quite as well off, and, under conclusions which I would deduce from my recollections, under some circumstances a good deal better off, if he should not be a member; then, too, as the law now exists, it requires that all the information that the health officer can give to the board of health shall be given without his being a member of the board; he is directed by the law to keep the board conversant with every thing in quarantine.

By Mr. SCHUYLER:

Q. To whom were appeals practically made prior to the law of 1863? A. I don't know, if any were made, who they were made to.

By Mr. ALVORD:

Q. I think that the law of 1863 provided for an appeal to the governor? A. I have an indistinct recollection by which the mayor and a commissioner of health at New York had to do with quarantine; there was an office, more than 20 years ago, of a commissioner of health, and my impression is that there was some provision of some kind for an appeal; the health officer, however, was looked upon as subject to the governor, on the same footing as a sheriff, that is to say, there was some kind of a provision against any exceptional acts on his part by an appeal to the governor, and his action was provided for.

By Mr. SCHUYLER:

Q. My impression is there was a source of appeal, or a court of

appeal from the fact that this commission was appointed by the law of 1863, simply to construct the quarantine; after the destruction of the buildings on Staten Island, the commission was appointed to construct a new quarantine, and it included in the law the power of appeal conferred upon this commission? A. There was a commission several years before the law of 1863; they were many years seeking after a feasible plan to construct a quarantine; when the quarantine was destroyed here, a great excitement came up in 1856, which did not cease until a few years afterward, when they burned the quarantine establishment on Staten Island and subsequently burned the buildings at Sequin's Point; when the commission felt the necessity of extemporizing a quarantine, they were in negotiation to get a location at Sandy Hook and at Coney Island; the law of 1863, as it passed the legislature, did not fix the place in the lower bay; that was in the original draft of the bill that went to the legislature, but the legislature excluded it and provided for the construction of a quarantine without stating where it should be; it excluded the place named in the manuscript; I was in free communication with the senator who brought forward the bill; when cholera did come, in 1866, Dr. Swinburne was health officer, and you, gentlemen, may recollect that there was a place provided on Barren Island, and on Coney Island, after being ousted from Seguin's Point, injunction met them at every point; then it was that the health officer, Dr. Swinburne, determined to go back to the original proposition of building islands in the lower bay for quarantine.

Q. Can you state, during the time you were a commissioner, what the income of the health officer was from fees and other sources connected with his office; can you estimate? A. I can estimate about it; I have gone over that ground; you all know that the boarding fees are $6.50 for each foreign vessel, and from $1.50 to $3 and upwards for domestic vessels, depending on their tonnage; ordinarily, I had been informed that the fee of $3 on domestic vessels is a proper average; that I have added up repeatedly, and have taken the pains, sometimes, to get the full list (which any one can get here) of the foreign vessels arriving during the year, every one of which pays the health officer $6.50; estimating, also, the number of domestic vessels at $3 each; I think it would be safe to calculate on that basis; I don't know whether Dr. Vanderpoel charges extra for night boarding; the law requires the boarding to be done between sunrise and sunset, but the exigencies of merchants frequently require that they should have their vessels boarded at night; if an officer is required to get up during the middle of the night, and do duty out of the ordinary hours of labor, it has been considered right to pay an additional fee; without making any allowance for that, I estimate the income of the health officer, by mul-

tiplying the number of foreign vessels at $6.50, and the number of domestic vessels within quarantine districts (that is to say, south of Cape Henlopen) at $3, to be about $40,000; then there are charges for disinfection and charges for vaccination, which depend entirely upon the prevalence of quarantinable diseases; one year of Dr. Carnochan's administration, I believe there was over 70,000 persons vaccinated.

Q. The charge for this vaccination was 25 cents each? A. I think so; I am not sure, but I think sometimes more than that; frequently, I think, the charge has been more — sometimes nearly four times as large; these you may term accidental fees; in my estimate, however, taking one year with another, I have thought that the extra charges, aside from the boarding fees, would about pay for the deputies; that is the way I have estimated it.

Q. There are instances, or have been heretofore, of charges for transporting the mails? A. No such thing as that, I think, now obtains; there used to be charges of that kind before Dr. Vanderpoel came into office.

Q. But no such charges are made now? A. Not for such transportation; the other charges are not for the health officer; there is a charge for burying persons, and for sick in the hospital, and for such transportation as is necessary, which are supposed to be equivalent to the expense of doing the service; I believe that the fee for the hospital is now less than the hospital charges on shore — $1 a day; it was so established when I was commissioner of quarantine, after Dr. Vanderpoel came into office, and got better control.

Q. The state has heretofore furnished the commissioners and the doctor with boats? A. Yes, sir.

Q. Do you think it proper that the state should be at the expense of these steamboats? A. I do.

Q. And that the health officer, so far as the boat is concerned, for boarding, should not be at any expense himself? A. I think that the facilities should be all furnished by the state and kept in order by the state, simply on account of the irregularity necessary in the condition of quarantine.

Q. What officers or subordinates does the health officer pay? A. The deputies; that is to say, two deputies are paid by him: there is a boarding officer in the lower bay during quarantine activity, who is paid a salary of $200 or $300 a month; he is not paid by the health officer, but by the state.

Q. I am now speaking of those paid by the health officer? A. Two deputy health officers.

Q. Do you know what their salaries are? A. I know only from hearsay — and I believe it correct — that the salary of the first deputy

is $5,000, and of the other, half as much; I have heard that is the case.

Q. Do you regard it proper for the state to furnish the health officer a residence, and pay the expense of maintaining it? A. I think the whole quarantine establishment — the material and substance of the quarantine — should all be provided by the state.

Q. Don't you consider that the receipt of about $40,000 a year for one officer is a pretty large sum; he disbursing only about $8,000 or $10,000 for salaries? A. Yes, I do; I think it is a large remuneration, and I think, moreover, it is a very large responsibility, and requires an immense responsibility and care in reference to it.

Q. A great risk? A. Yes; a great risk and an enormous responsibility; I know of no office in this country requiring in the administration of it more personal risk and responsibility than this office, if you take into consideration not only the risk of contagion, but the responsibility resting upon such a man's shoulders to prevent the introduction of epidemics which may slay their tens of thousands; there is a responsibility which no one who has never entered into the spirit of it can estimate.

Q. Do you not think a health officer might be procured on a fixed salary; having to pay his own expenses. A. I do, undoubtedly.

Q. What salary do you think a proper man would be obtained for? A. I can hardly answer that question because I can hardly measure the competence when put on a level for obtaining a competent man; but I should think that one-half of $40,000, clear of expenses (I do not mean personal expenses, but clear of material expenses); I think $20,000 would command a thoroughly competent supervision.

Q. And do I understand you to say in addition to the $20,000 that the state ought to furnish him with a residence and boat? A. I have no qualification to make of my statement that the state should furnish all the material expenses of the quarantine establishment, including the necessary boats and dwelling-places; I was going to qualify still further; when you speak of his salary, it is to be taken into consideration the payment of his deputy — whether he should pay his own deputies out of that; I am as well aware as any one that just as good an officer might be obtained for $10,000, perhaps, as for $20,000; but whether a smaller salary would be as likely to make good men seek the office is with me very questionable.

Q. Well, by the abolition of the commissioners of quarantine there would be a saving to the state, in the way of salaries, of about $7,500? A. Yes, and rental and clerk hire; in all, at least about $12,000.

Q. Of what service is more than one boat for the health office for quarantine purposes? A. They require one for boarding purposes and

one for transportation purposes; by this I mean now for transportation purposes as well in the moving of vessels as in the moving of the sick; one is required constantly as a boarding boat, the year round; you must recollect that foreign vessels are boarded all the year round.

Q. The boat known as the Hopkins now is used for the transportation of persons? A. Yes; to the hospitals, etc., and in the event of ships having to be moved on the quarantine ground, if a vessel in quarantine requires moving from one place to another, that boat is available for that purpose.

Q. Would it not be cheaper to engage for each special instance a boat for that purpose? A. No; you could not do it; if you undertook to move a vessel with the small-pox, for instance, or other contagious diseases, up to the small-pox hospital, you would find great difficulty in getting a boat; and the present laws would put such a boat in quarantine, because it would be subject to quarantine law.

Q. This Hopkins, from the appearance of the boat, has little facilities to transport sick persons? A. The sick are usually subjects taken on board in their own bedding and cots, as the case may be, taken in a recumbent position.

Q. There appears to be only 25 or 12 feet of covered space on the boat? A. You can put awnings there, and make any space you require on deck; I do not know a better way of illustrating the necessity of this boat than by stating, that since I have lived in Brooklyn I have been an observer of quarantine; I have seen small-pox patients towed 200 yards behind the boat in a snow-storm; I have seen men in a row-boat faint by the way as they were clambering up the sides of the hospital ship; I have seen some of the most barbarous and inhuman acts that I ever heard of take place in quarantine, and some of them in this port.

Q. I suppose that you have seen the *Hopkins?* A. I was one of the committee to purchase her.

Q. What would her capacity be for moving small-pox patients? A. How many small-pox patients you mean; without special trouble, I should say that 50 could be moved on her to the small-pox hospital, at least, and have good room for them; you could put them on the upper deck with awnings, and also on the lower deck.

Q. And you do not think it would be more advisable to charter boats from time to time, to transport the patients? A. No, sir; then I have not covered the other point, of the use of this boat in provisioning patients, not only in the establishment, but in some circumstances where the provisioning is done by the merchants; while I was commissioner of quarantine during the arrival of vessels with cholera on board, in the case of one of the immigrant ships we left the sustenance of the ship's company at the option of the merchant; we

said, "If you wish to send provisions down, we will afford you every facility;" they accepted the proposition, and this boat was in constant use for that purpose.

Q. Is not this boat laid up for six months in the year. A. It may be, but I don't believe so; she has not been laid up for the last year or two, and certainly could not be with the general epidemic of small-pox, which has existed for two or three years; for the last four or five years, as you are aware, there has been a world-wide epidemic of small-pox, and New York has had its share.

Q. I am informed that this boat is laid up for six months in the year? A. Well, I don't know, sir; she was not while I was commissioner, for the reason that I went down about twice a week on her.

Q. That was by reason of superintending the construction work? A. Yes: I think it possible that for perhaps half the year one boat would do the work; it would subject the merchantmen to some detention occasionally; if the boarding boat should be up at Ward's Island with hospital patients, the vessel would have to wait unless she could be boarded by a row-boat, in many cases where no sick have to be transported, the boarding is facilitated by row-boats.

Q. Some years ago there were appointed by the state certain commissioners to regulate the quarantine boundaries between the states of New Jersey and New York? A. I think this duty devolved upon the commission which existed before the commission provided for in the organic law of 1863; it has been repeatedly a subject of examination and discussion, and one of those times was while I was commissioner, in the case of a ship that went to Perth Amboy; it was then deemed necessary, to avoid any equivocation, that we should get a full examination of all the boundaries; so we referred the matter to the counsel, Mr. Johnson, and he submitted a report accordingly, giving the boundaries which is published in our first report of 1871.

By Mr. SCHUYLER:

Q. This commission was appointed under a law passed in 1865, authorizing the construction of quarantine docks and wharves in the bay of New York, and one section provided for a commission of three to be appointed by the governor?

A. That may be; I do not recall that; there has been a great deal of negotiation in regard to the boundaries, and it covered a long period of time; but the commissioners gave up trying to get Sandy Hook; I have in my hand a copy of the quarantine compend.

By Mr. ALVORD:

Q. The case of the Messrs. Prendergast, of the vessel going to Perth

Amboy, and the case of appeal by Marshall & Co., were both under Dr. Carnochan? A. They were.

Q. Have you any special knowledge of it, or do you regard the question as settled about the boundaries? A. I regard it as settled; I accept it so.

Q. The boundaries being settled, there is no necessity for the continuance of the commission to regulate that matter from year to year? A. No, sir; I was not aware there was one. If the committee permit me to say, in the matter of the condenser, spoken of yesterday, I have brought with me the copy of Mr. Campbell's contract, covering the points in regard to the condenser; on looking at the minutes, I find that when this was incorporated in the contract, it was while Mr. Johnson was counsel; and the subject of the condenser having been accepted by the commissioners, it was referred to the counsel and myself, with power.

Q. Mr. Haswell has been on the stand to-day, testifying in regard to these matters, and among the rest stated that he found considerable fault from time to time with certain contractors employed to put up buildings on Hoffman Island — Lockman & Deveny — and that he had submitted, finally, to giving certificates at the suggestion that you and Dr. Vanderpoel were satisfied with the completion of the contract; how are these facts?

A. I am very sure that I never suggested to Mr. Haswell the propriety of giving a certificate unless he was satisfied that the work was performed reasonably within the scope of the contract; there were some questions between myself and Mr. Haswell at times; we generally were in accord, but we saw things separately at times; I had, myself, several stones taken out of the base after they had begun to get the brick-work on them; and in some cases I made suggestions to Mr Haswell that stones should be taken out.

Q. What I want to get at is, whether Mr. Haswell, at any time, was compelled to give a certificate upon the absolute dictum of yourself or Dr. Vanderpoel? A. Certainly not; never on any dictum of mine; we examined the work together; sometimes I went alone; Mr. Haswell would report to Dr. Vanderpoel and to myself, and I am very sure that he never had, not only a dictation, but never had even a mild suggestion to do such a thing.

Q. Then his certificates were given upon his own responsibility as a commissioner? A. His certificates were given upon his own acceptance of the work, and his responsibility in that point of view.

Q. Dr. Vanderpoel had not the supervision of this matter, taking it out of the hands of the commission, until the law of 1873? A. I think not.

Q. Before that, he was simply advising? A. It was necessary, under

the first law, that the health officer should approve of the plans of Hoffmans Island; on the suggestion of a change made by Mr. Vanderpoel from one story to two-story buildings — in which I, as supervising commissioner, heartily concurred — that change was made.

Q. Then the contracts which were necessitated by the change of plan, were contracts made with the commissioners of quarantine, and not with Dr. Vanderpoel? A. Made with the commissioners of quarantine on the approval of Dr. Vanderpoel.

Q. But the contract was not made with Dr. Vanderpoel? A. No, but he had to sign it.

Q. He had to approve it? A. Yes.

Q. Now, Mr. Haswell, in his testimony to-day, stated that he made, at the suggestion of Dr. Vanderpoel, an estimate, which was never called for, of the cost of the alterations, very largely below that which you gentlemen finally gave to Lockman & Deveny; what explanation have you got to make in reference to the reason why you gave Lockman & Deveny the price you did? A. If Mr. Haswell ever did make any such estimate, I never saw it or heard of it in any way; this matter was referred to me for investigation, and to get such suggestions from the engineer as were possible, and to put prices on in reference to the additions and what should be taken from the contract as heretofore existing; I submitted the report to the commissioners of quarantine and the engineer who operated with me the whole time, in regard to the specifications; Dr. Vanderpoel was co-operating with us, approving the prices as well as every thing else; to the best of my recollection, the engineer's estimates of these additions were a little higher than what we finally adopted; at all events, Mr. Haswell never submitted to the board any estimate at a lower price than that which was finally accepted; possibly Mr. Haswell does not himself recall one item (I do not know how much it cost), which the progress of the work developed to be necessary; that was the putting down of the piles — contracting for the driving of piles, after we got the two-story building which was found to be necessary, and which was approved by Dr. Vanderpoel; there were other works which, in fact, the very nature of the structure rendered always liable—some changes which we could not foresee, in the strengthening of walls and different places.

Q. Your best recollection is that, if there was any estimate brought to your attention by the engineer, it was rather in excess of, than less than, what you agreed to pay? A. Yes; I know there was no estimate laid before the commissioners that I am aware of, by Mr. Haswell, showing a less amount than we accepted.

Q. Did Mr. Haswell, during the progress of the work or while you were negotiating as to the additional work, intimate to you or to any

of the commissioners, to your knowledge, that it ought to have been done for a less price? A. No, sir.

Q. From your present recollection, taking the whole of the buildings together from the first contract to the final completion, was it done at a fair and reasonable price — the buildings on Hoffmans Island? A. Yes, sir; so far as they went on any contract of which I have any knowledge.

Q. They were completed under you? A. No; but very nearly so.

Q. Now, I want to go to another branch of the subject; you gave testimony in reference to the probable receipts of the health officer, exclusive of the payment of his deputies, during the year; are your estimates based upon the past year or based upon a series of years in the past. A. They are based upon several years when I have taken the pains to count the number of vessels that came into this port during the year; you will find one estimate given in one of the reports here for a different purpose, which will answer just as well; in one of Dr. Carnochan's reports, in reply to the criticism of the merchants, he gives this statement: "To correct any misapprehension that might arise in the public mind from the repeated assertions of quarantine regulations having driven commerce from the port of New York, I have prepared the following statement of vessels that have arrived from foreign ports during the last five years:

"In 1867 there were	.....	4,646
" 1868 "	.....	4,861
" 1869 "	.....	5,213
" 1870 "	.....	4,714
" 1871 "	.....	5,619

Q. Showing an increase; what is the fact now? A. I have not counted them for two years; I suppose we are receiving as many vessels now from foreign ports as formerly; you know that, although commerce has been very much interrupted, the tendency of the war has been to bring a greater number of foreign vessels here.

Q. I understand you to say that at present the boarding officer does not obtain an extraordinary compensation for boarding at night? A. I don't know whether he does or not; I said that if he does not, I supposed he ought to have extra compensation.

Q. Suppose a gentleman of the medical profession, either by dint of his absolute ability or for any other reason, is in the receipt of a clear annual income from his profession of from $20,000 to $25,000 a year, and with the prospect of a possible continuance of such receipts, what do you think his compensation ought to be for giving up a business of that kind and taking the position of health officer? A. I think he would be a fool to do it at all.

Q. Would the compensation which is at present received by the health officer of the port of New York be any sort of compensation as a set-off to such a business? A. Certainly not in that case, because he could not regain his former practice again after attending to the duties of health officer.

Q. His continuance in the office depending more upon political influences, he might be ousted from the position? A. Yes.

Q. I now ask, taking into consideration the responsibility and the risk of such a position, and the uncertainty of its continuance, as compared with such a practice and income as I have stated, would, do you think, would be a proper salary for accepting the position? A. I have answered that he would be a fool to accept the position of health officer at all.

Q. Are you aware from any source what the ordinary annual receipts of Dr. Vanderpoel were prior to his taking this office? A. I am not.

Q. Do you believe that it is for the interests of the people of the state of New York that the very best medical skill and science and ability, together with integrity of purpose, should be embodied in the health officer? A. I do; I believe that there should be such a salary as to command the very best skill and integrity.

Q. I understand that you are a gentleman of long experience in the medical profession, and also an editor of a paper; what, as an ordinary thing, does the very best of talent in the medical profession in our large cities command per year? A. I have no knowledge that can give any approximation to that; there are certain men in the city of New York and elsewhere whose incomes are supposed to be $20,000 and upward; but it is only a matter of supposition; we never know what these gentlemen get or what their fees amount to; but there are very few men in the profession in this country that receive $20,000; I believe there are a few, but very few; I am only stating from general impression; where these cases occur, these gentlemen do not publish it, and there is no means of getting at such information.

Q. I understand you to say that any man who is competent to be health officer, and is in the receipt of $20,000 a year, would be a fool to take the office at $40,000 a year as against $20,000 in general practice? A. I do — taking the circumstance that when he becomes health officer, with all the contingencies and risks and the chance of deposition, he could not again take up the practice which he had resigned, if he left quarantine.

Q. He runs the risk, under ordinary circumstances, of giving up a permanent, continuous business for an uncertainty? A. He runs the risk, if he gives up a practice worth $20,000 a year for this position;

while health officer, he may lay aside enough to compensate him for a while, but not sufficient for giving up such a practice.

Q. Do you take into consideration the responsibility of the position and the risk? A. Yes; I take all the contingencies.

By Mr. WAEHNER:

Q. It would be about the same as a lawyer having a large practice to go on the bench? A. No, not the same; because a lawyer while on the bench has continuous honors in his profession which enure to his benefit even if he leaves the bench; but the reputation which a man gets as health officer in quarantine would be of little use to him afterward in general practice.

By Mr. ALVORD:

Q. How is the fact of the receipts, whether legal or not, on the part of health officers now as compared with that position under previous health officers? A. I am not aware that Dr. Vanderpoel receives any fees that I consider illegal; I am aware that previous to Dr. Vanderpoel, the health officer did receive fees which I believe to be illegal.

Q. Did the health officers previous to Dr. Vanderpoel interfere with stevedoring? A. They took charge of it in quarantine.

Q. And also the lighterage? A. Yes.

Q. And the transportation of passengers and baggage? A. Yes.

Q. Did they use their power and position for the purpose of compelling tribute of that kind? A. I will answer that question, if you insist upon it, as giving my opinion, but I would rather not.

Q. I would like you to answer it? A. You are making me, by answering this question, reflect upon the administration of officers who, in the exercise of their duties, did what they considered conscientious, perhaps.

Q. I will vary it — were there certain charges or exactions by health officers prior to Dr. Vanderpoel's taking the place, which were complained of by the general community of the port of New York? A. Yes, sir.

Q. Which charges went to the benefit and advantage of the health officer? A. Yes, sir.

Q. Are there any such complaints in existence, according to your knowledge and information, to-day? A. No.

Q. Have there been any since the administration of Dr. Vanderpoel? A. I have heard of none.

Q. Is the lighterage and stevedore business and the transportation of baggage and passengers, under strict quarantine regulations, left to the merchant and consignee entirely at the present time? A. No, sir; it is not left to him entirely; it is under quarantine regulation;

the expense is the same as that when conducted in ordinary mercantile transactions.

Q. Now, the case of Messrs. Prendergast, who ran their vessel to Perth Amboy, taking a new clearance — what was the trouble there? A. The trouble was, it was an evasion of the quarantine restrictions.

Q. What were the reasons given for this attempt at evasion? A. The reason they gave was, that their vessel was subject to unnecessary detention at the port of New York, having cleared at a port which was at the time subject to quarantine restrictions; it was not only an inference on the part of Messrs. Prendergast, but they had facts to justify such a conclusion, that the vessel would be detained when it came into this port, when they thought it ought not to be, having a clean bill of health, but being from a port against which Dr. Carnochan had imposed quarantine detention; I think the Messrs. Prendergast told the exact truth about the matter; I don't think there was any intention to deceive the health officer; but I think it was a misconception as to the proper spirit of quarantine, in their supposing they could come into the port of Amboy, and have their vessel cleared from a port north of Cape Henelopen, and, then, according to the law, escape any restriction; Dr. Carnochan boarded the lighters, and detained the goods, and it was the cause of appeal.

Q. Was there not also the reason, and did they not give that reason, that the charges for lighterage on their coffee and other articles, imposed upon them by Dr. Carnohan, were so great as to do away with any possibility of profit?

A. That entered into it; yet the lighterage on coffee, even suppose the ship quarantined and requiring lighterage was not so much complained of; the great question was whether the ship should be quarantined at all, coffee is not often a subject of quarantine.

Q. I have heard the matter spoken of by the Prendegasts, and I want to know if there was any charges in regard to the excessive lighterage? A. That entered into the general question; it was deemed excessive to detain coffee and require lighterage and as a general rule it is; there is no reason why it should be; it can only occur when there is a quarantinable disease on board a ship, and the coffee requires to be moved by lighters, because the ship cannot come alongside the wharf.

By Mr. WAEHNER:

Q. Was it not subsequently discovered that some of the crew of the Prendergast vessel were diseased or affected? A. Not that I ever heard of; I am clearly of the opinion that the Messrs. Prendergast were conscientious in this whole transaction; they did not suppose that

there was an avoidance of quarantine; they were acting upon the presumption that the ship ought not, even according to the spirit of the law of New York, to be quarantined; that they would avoid it by entering a port north of Cape Henlopen, and making a new clearance; it was the duty of the health officer, if he knew of any goods or vessels from any source where quarantine existed, to board the vessel; Prendergast denied the right of Dr. Carnochan to board the lighters; in that, we decided against them; when he had knowledge that these goods came from a port of departure which was subject to quarantine, it was his duty to board; our decision was, not that it was his duty or right to detain them, but that it was his clear duty to board and see whether the goods ought to be quarantined or not.

Q. He not only boarded, but he detained them? A. There was no law for that, and that was not the issue that was made.

Q. What was the case of appeal by Marshall & Co.? A. That was a case of excessive charges, on the part of the health officer, for services rendered.

Q. How was that decided? A. He reduced the bill two-thirds throughout.

Q. Has there been any case, since Dr. Vanderpool has been health officer, where there has been any appeal, according to your recollection? A. No, sir.

Q. Were you acquainted at all with the fitting up and finishing of the present boarding station? A. No, sir; I had nothing to do with that; that was subsequent to my leaving.

Q. Have you found out the amount for which the old quarantine station was sold to Dr. Swinburne and others? A. No, sir; I think it is mentioned in some of the reports.

Q. Was that purchased by Dr. Swinburne during the time that he was health officer? A. Yes, sir.

Q. That was sold by the state and purchased by Dr. Swinburne and others during the time that he was health officer? A. Yes.

Q. Where was Dr. Swinburne located when health officer? A. He resided on the property—on the reservation; when the property was sold the old health officer's residence was reserved for a term of years under contemplation on the part of the law that during that time another residence would be provided; the term expired, and there was a necessity, when Dr. Carnochan came into office, of renting it; when it was sold, it was reserved for two or three years without rent, and when Dr. Carnochan came in, that reservation having run out, it was rented.

Q. Do you recollect what rental Dr. Carnochan paid? A. I believe $10,000 or $12,000.

Q. What was the original price paid for the whole property when these gentlemen bought it? A. I think $150,000.

Q. How much of the property was reserved? A. I don't recollect how much the avreage was.

Q. Was the half of it reserved? A. I think not.

Q. Or the one-third? A. I cannot answer approximately; I do not know how many acres it originally consisted of; there was a certain part marked off with reference to the enclosure which was reserved, contemplating that another residence would be put up.

Q. In other words, the state paid, after Dr. Carnochan went in, eight per cent on the whole price for less than one-half of the property which was sold to Dr. Swinburne? A. The original rental resolution was that the property should be valued, and a rental fixed equal to 10 per cent.

Q. Was it sold at public auction? A. I think it was; I heard Mr. Johnson say there were several trials made to sell the property, and that they got all they could for it.

Q. You know nothing about the cost and expense of fitting up the present residence? A. No, sir (referring to report); I find that the lease was $10,500 per annum; then there was an addition of $1,500 to keep it in order and take care of the dock, making it $12,000.

Q. Then there was a large sum paid for furnishing? A. That was under an additional law of the legislature; the commissioners simply obeyed the mandate of the legislature, and afterward got much abused for it; we were ordered to pay bills which were audited by the health officer; he ordered what he wanted, and we were only passive.

Adjourned, on motion, to 10:30 A. M., September 9, 1875.

NEW YORK, *September* 9, 1875.

The Committee met pursuant to adjournment, at 10:30 A. M.

Present — Hon. Mr. Schuyler in the chair; Messrs. Alvord, Vosburgh and Waehner.

John W. Ritch, called and sworn:

By Mr. WAEHNER:

Q. You were at one time connected with the commissioners of quarantine as engineer, were you not? A. I was; I was the architect of Island No. 1, and Island No. 2, from its inception.

Q. Architect and engineer? A. Both.

Q. What time were you appointed, and how long did you continue in office? A. January 15, 1866, I was appointed, and continued until April 21, 1871.

Q. Who was health officer during that time? A. Dr. Swinburne and Dr. Carnochan; I think I resigned while Dr. Carnochan was health officer.

Q. State what works you superintended, planned or designed, connected with the construction of quarantine? A. I designed the lower Island No. 1, and the upper Island No. 2, and completed Island No. 1, and prepared the foundation for the buildings on Island No. 2.

Q. Is that the only construction work you supervised or planned? A. The only work, with one exception, a small boat-house on the shore.

Q. Do you recollect with whom the contracts were made for Island No. 1? A. Mr. Swift.

Q. His contract was to furnish riprap for the island? A. His contract was for the completion of the whole island according to the specifications; there were many sub-contractors under him; beyond that, we had several sub-contracts made for different portions of the work which he did not do.

Q. Give us a general idea of the manner of constructing this island? A. It would take a long time, and the plans are on file.

By Mr. ALVORD:

Q. The outer wall of the island, which is really the shore of the island, was made of cribs of timber, loaded with stone, and sunk in their place, and filled inside with sand, in the main, having been dredged out from the sea; and the riprap was the protection or slope-wall on the outside? A. That is substantially correct; the riprap was put on the outside all round; I have given my evidence twice, before previous committees, and, in connection with it, submitted plans; and that evidence, I believe, is in existence.

By Mr. WAEHNER:

Q. We have that; what we want particularly to-day is, in relation to the measurements? A. That I will give; or if you intimate what you require, I will prepare it and send it in.

Q. What we want is the system or mode adopted by you in making measurements to show the completion of the work in accordance with the contracts; what system did you adopt in measuring? A. I or my assistants measured the quantities and gave a certificate to the contractor that he had completed so much work — whatever it was — rip-

rap, or stone filling, or timber work, and was entitled to payment to that amount less whatever percentage was to be reserved under the contract; at the completion of the whole work I gave in a certificate of the whole amount of work done, and he took that to the commissioners and from there it went to the state comptroller.

Q. Did you keep any copies of the certificates? A. I kept a record of them all; I think I have such a record if it has not been destroyed.

Q. Did you measure each boat-load of riprap, for instance, or what system did you adopt? A. The riprap was measured by an inspector appointed by the commissioners, at its reception on the island; the riprap was measured by myself before it went to the island, as the boats were landed at the dock; when I say myself, I mean myself and my assistants.

Q. Measured in the vessel? A. Each scow was measured before it went down there; and after it was put in, a record came to me of the number of the scow and the number of yards on board of it; which record I think I have.

By Mr. VOSBURGH:

Q. If I am not mistaken, Dr. Bell testified that when he came down as supervising commissioner, he found no one measuring the riprap — that it was put down promiscuously, and he appointed a supervisor? A. Perhaps he did do so, but nevertheless it was measured up to April 21, 1871; it was measured by an inspector that the commissioners appointed, and it was measured by myself, up to that time.

Q. Who was the inspector that the commissioners appointed? A. James O'Rourke.

Q. There was a colored man connected with one of the islands? A. A watchman at Island No. 2.

Q. Did he take the measurements? A. Not from me.

Q. Do you recollect the price paid for the work as done? A. I think it was $3 a yard for the riprap.

Q. Did you estimate that price as large, or fair and reasonable? A. The estimates were advertised for in every case for all the work done under my administration, except some minor things, where it was not necessary, and the lowest acceptable estimate in all cases received the contract; the items of the different contracts that came under my administration I could, with labor, produce to you; but I hope you can get along without it.

Q. What we would wish is a record of these measurements of the riprap, on both Islands No. 1 and No. 2? A. I will give that.

By Mr. ALVORD:

Q. You say these proposals were advertised by the commissioners for bids, and that these were the lowest acceptable results? A. Yes.

Q. Now, I would like to have you answer the question whether, in your opinion, the price was excessive, notwithstanding the fact that it was the lowest bid? A. No, sir; I think the work done there was done as low as it could be done under the circumstances; the elements there were sometimes a little troublesome.

Q. Riprap placed there, with the exception of detention by the way, is not worth $3 a yard? A. It was at that time; you must remember these were high priced times.

Q. I know that; but I submit the proposition by way of comparison; the riprap at that time procured by the United States and by the state government in the neighborhood of Albany was furnished and placed at $1 yard; there was a difference of $2? A. Where did it come from?

Q. It came from the same point, I believe, near Poughkeepsie, which is about 75 miles from Albany and 75 miles from this place? A. To illustrate the delay, I will read a memorandum that I have: "From October 28 to December 16, 1867, there was, in all that time, 142 hours' work performed; it was flowing hard, scows leaking, scows lost; recommenced; sunk scow in collision; only 142 hours' work in these three months.

Q. Would it not have been a better discretion on the part of the commissioners, to have delayed that work to a more advanced season? A. That is an opinion which I am not prepared to give.

Q. I ask you as an engineer, a man of experience, was the necessity of the creation of that island so great as to render it necessary for them to do it at an enormous expenditure of time, as compared with the fact that by some delay it could have been done with less expenditure of time? A. After the islands were all ready for the riprap, the necessity of saving the islands in their position, made it necessary to have the riprap without delay; the danger of their being carried away at any time made it necessary.

Q. Then I ask you in that connection, was there any necessity of any delay in putting the riprap around the original wall of circumvallation before they had the center filled? A. The original riprap was put down after the structure was built in.

Q. Could it not have been as well put round before? A. It could as well have been put round before.

Q. If you had put it round before you filled in, could you not have done it at another season of the year at much less expense? A. I think not; these advertisements were in the paper for several weeks; I think we had many bids for the work.

Q. Were the bids which were finally accepted, the lowest bids, or bids which, in the estimation of the commissioners, were the most advantageous, taking into consideration the character of the contracts and the probability of their fulfilling the contracts? A. On the lower island the lowest bidder got the contract; on the upper island it was not the lowest bidder, as the lowest bidder backed out and refused to do the work.

By Mr. WAEHNER:

Q. Was there not an injunction in one case? A. That was on the first island; that had nothing to do with the riprap.

Q. What was the trouble about that bid; that was one of Mr. Swift's, was it not? A. I don't remember; there was a bogus bid, or something; the bid was not regular, or something of that kind; I don't remember, but the injunction was at the first commencement, and I know it delayed the starting of the work; Henry W. Johnson can give you the information, as he was legal counsel; my duty was exclusively to perform my duty.

By Mr. ALVORD:

Q. Was the bid for the completion of the lower island, a bid which comprised the filling in and the riprap? A. The riprap was all included in the original contract for Island No. 1.

Q. The whole work? A. Yes, sir; then there was an additional contract for riprap found necessary to be put in, after the first contract was completed.

Q. I only ask whether, in the original proposition or contract, every thing pertaining to the completion of the island, both the line of circumvallation, the interior filling and outside riprap, were all included? A. Yes, sir; it is all specified in the specifications what the contract included.

Q. Then bids were, in the ordinary and usual terms of engineers, "balanced;" if a party bid lower for crib-work and higher for the riprap, or lower for the filling and higher for the crib-work, you went to work and determined whether, in the aggregate, the amount would be less in the one case than in the other? A. Yes, sir; the first contract, for Island No. 1, was in dollars and cents for the whole work, without any dividing up of that kind; the second contract, by estimate, was made upon the square yard, of different materials; the first contract was made for the entire structure for so many dollars, without regard to the number of yards in it; the second contract was made by the yard.

Q. The first contract was for a gross sum? A. Yes; for Island No. 1, according to plans and specifications.

Q. The material necessary, and all that kind of thing, stated? A. Yes, and bids made on that.

Q. Then, as a matter of course, you could only determine the question as to who should have the work by the amount that it would be done for? A. Yes.

Q. The next contract was by the cubic yard? A. Yes, Island No. 2; estimates were received by the cubic yard and contracts given out by the cubic yard; measurements were made by me by the cubic yard.

Q. In that case he had to balance the bids? A. Yes, in the second contract.

Q. Is that the usual and ordinary way of letting public work? A. It is the safest way and the best way; I never have had any work done more satisfactorily than when it was done by measurement; the contractors are pretty sure then not to make any mistake; they are pretty sure to get the full value of the work performed; they are sure to get all they are entitled to.

Q. Let me ask, as a matter of public information, do you believe it is safer for the public to take bids in the way you have last spoken of, or to take bids without specification of quantities, but for absolute results that you desire in reference to material? A. In all cases the work should be clearly shown by plans, carefully specified by specifications, and then the estimates received by the yard would be the safest way for the public, and the most satisfactory to all parties concerned.

By Mr. VOSBURGH:

Q. In the building of these islands, the plans and specifications set forth the quantities that were to be used in the building, and the bids were made on those plans and specifications, and on the quantity set forth by the engineer? A. Yes; in answer to that question I would say that the plans and specifications for three islands were made by me, and presented with a detailed estimate of the cost of each; that report was sent to the legislature, and upon that they received an appropriation to build two of the islands.

Q. Did these plans and specifications itemize the quantities of material? A. Yes, afterward, the plans and specifications of Island No. 1 were made complete, and an estimate of the quantities was made by myself, proposals were advertised for and received, and I think the contract was given to the lowest bidder.

Q. These proposals were received in a gross sum for the finishing? A. Yes; and what is unprecedented in the history of state contracts, in all cases the contract price was less than the engineer's estimates; the contract price for each individual piece of work done there was less than the original estimate of the engineer.

Q. How did the quantities compare with the estimates made by the

engineer? A. The quantities were in most cases precisely the same, except the work that was destroyed by the elements, which was paid for by a separate estimate.

Q. Now in relation to the quantity of riprap estimated to be required for Island No. 1, how much in excess of that was supplied and paid for? A. The amount of riprap in Island No. 1, made necessary by the experience of the action of the elements was considerably more than estimated for in the first contract, but that was a separate, distinct contract.

Q. And after that, after it was found there was not sufficient riprap, there was a new contract made? A. Yes.

Q. What was the cause of that new contract being made? A. The action of the elements in sweeping the sand away from the structure, it was necessary to protect the structure.

Q. When boats with riprap came there, how were they unloaded? A. By a crane or boom derrick that would hang against the structure on a boat; the riprap was thrown up against the structure and rolled down.

Q. Was that done from the first commencement of the landing of the riprap? A. Yes.

Q. The reason I ask that is, Dr. Bell in giving his evidence before the committee said that when he was appointed supervising commissioner of this work, he went down there and found the riprap was being thrown down promiscuously; it had run away out from the work; that he immediately stopped it, and had a crane and a railway put on the island, and the riprap had to be dropped down? All I can say is that I am an engineer, and Dr. Bell is not, and I do not think he knows how to do that work; I do not think that a physician is competent to construct the island, however eminent he may be as a physician.

Q. What was the excess of riprap for which the second contract was made over and above the estimate of the engineer? A. I cannot tell you; this additional riprap that was added to the Island No. 1 was a separate and distinct contract — estimates received in the same way.

By Mr. ALVORD:

Q. You say that the contract for Island No. 1 was taken according to your plans and specifications and maps, at a gross sum? A. Yes; that was all finished and completed; then I made a report to the commissioners, that in my opinion it would be necessary to add additional riprap, making an estimate of the quantity; they received bids for that, and gave the contract out to the lowest bidder; if I do not err, it was a separate and distinct contract made regularly for that much riprap.

Q. If you are correct in your original proposition as to the first contract, then we are confined to the fact whether or not the amount named in your plans and specifications as necessary of all kinds of material were furnished at the completion of the first contract? A. They were all furnished.

Q. That was a contract in gross? A. Yes.

Q. All about it was, that the party was to furnish a certain amount of material and place it in a certain position, for a certain gross amount of money? A. Yes — which was done; and afterward came in the additional riprap.

By Mr. VOSBURGH:

Q. Do you remember what your estimate was for the number of yards? A. I can give it to you from my books.

Q. Can you give the amount paid for on the second contract — the amount of your estimate and the amount actually paid for? A. I will.

By Mr. WAEHNER:

Q. During the time you were the engineer of the board, you observed the working of the commission and the duties of the health officer; I would ask if you have formed any opinion as to the necessity of the existence of a commission; if you have, I would like you to give it? A. I am not competent to give an opinion, with the knowledge I have; my work was exclusively confined to the work on the island, and it did not make much difference to me whether the commissioners were there or not.

Q. Have you been to the island since the completion of the buildings on Hoffman Island — the upper island? A. No, sir.

Q. And you are not competent, without seeing them, to make an estimate of what the proper cost should be? A. No; I have not visited either of the islands since the 21st of April, 1871, the day my resignation took place.

Q. Was there any material difference in the price of material from the time of the making of the first contract at $3 a yard to the time of the subsequent contract at $2.25, which entered into the price? A. That was after my administration, and I am not conversant with it; I have not the knowledge.

By Mr. ALVORD:

Q. I understand you to say that the action of the elements in scooping out the sand, at the base of the wall line, had rendered an increase of base and of height necessary? A. I did not say that; I said that the danger of its doing so was imminent, and it was necessary to put

in more riprap on that account; it had not occurred; but there was evidence that it would occur in time.

Q. In the first place, you put in riprap below the ordinary high-water mark? A. Well, say it was, but I think it was above; at all events, I put in a certain quantity.

Q. And you were satisfied, from observation, that it might become necessary in time to increase the base and height of the riprap? A. Yes, and that it should be done immediately; that report was confirmed by Mr. Craven and General Train; I took them down there.

Q. And this additional riprap was a precaution for the safety of the island? A. Yes, a necessary precaution, in my opinion, backed up by eminent engineers.

Q. What is the price of the riprap added in your time to the original contract? A. I will answer that in a statement I will send in.

Q. What is your opinion, judging from your observation while there and your reflection since, as to the final result of the endeavor to maintain these islands, both so far as regards their adaptability to the purposes for which they were originally constructed and their operation on the channel? A. From careful observation (and I am particularly interested in the channel), I would first say that it is the only quarantine in the world—that is, the only proper one—surrounded by water and having no connection with the surrounding people; as regards the buildings erected upon it for hospital purposes, they were erected purposely of wood; so that if they became infected they could be torn down and burned up; then, as to the operation of these islands upon the channel, after careful observation fairly made, I find that the floating sand is deposited on the south and east sides of that island more than seven feet; the riprap is covered up more than seven feet; where there was seven feet of water there is now a deposit of sand at low water; where at the same tide you had seven feet of water, there is now a beach.

Q. How will that affect the channel? A. It will affect it in this way: the floating sand moving in the channel is deposited there, and it does not move in the channel; it helps the channel, because so much of the drifting sand lodges there.

Q. Does it not render it more and more difficult each year to approach the island? A. Very likely it will; then they must dock out.

Q. Then if you dock out, do you not again create the necessity of the sand drifting in the channel lodging against the outside dock and encroaching on the channel? A. It helps the channel and makes it deeper all the while.

Q. But it makes it narrower? A. The sand moves on the bottom of the channel and is shifted round with every tide; some of it goes

back; some of it is deposited on the shore; some rolls up with the tide, and the refluent water does not take it back.

Q. So far as the interior building is concerned, does this sand that enters from the channel protect the interior—the inside sand filling—so that it cannot get away? A. It cannot get away now.

Q. Are you not aware of the fact that there is a constant necessity for filling in? A. Only in places; and it is not constant either, nor is it very much.

Q. Your idea in regard to the matter is that rapidly and every day the interior of these islands is becoming more solid and more permanent? A. Yes.

Q. And that that will not, in your opinion, effect navigation sensibly? A. Never; I will state, as a matter of fact, also, that the soundings I made there all round these different localities did not vary from the old map published by the United States Coast Survey in 1846; I found the same depth of water at the same points.

Q. Did you examine and sound after you placed those foundations there? A. Every week or so.

Q. Did it not make any difference beyond a certain area? A. No difference; the water deepened after we had some riprap in at the lower corner, at the extreme point of the meeting of the two currents.

Q. As a matter of economy, taking into consideration the fact that you can purchase from time to time such hulks as the *Illinois*, which are floating hospitals, what is your opinion as to the cost of those for floating hospitals, compared with the cost of the islands? A. I am not competent to answer that; I have no idea of the expense of maintaining quarantine.

Q. I speak merely as an engineer — as to Dix and Hoffman Islands? A. Dix Island cost less than a steamer of that size would cost.

Q. A steamer of that size, which had done service and could be bought as a hulk, as the *Illinois* was? A. I do not mean that, because such a vessel might be bought for a mere song; I cannot give you a statement.

Q. You made the remark that in your opinion this was the only quarantine in the world? A. That is, in reference to its isolation from the healthy population.

Q. It is an isolated, independent island, surrounded by water? A. Yes; I do not believe in quarantining diseases at all; but as a quarantine, this is the only quarantine I know of where the isolation is complete, and can be kept so.

Mr. Ritch subsequently sent in the following memoranda:

"Total quantity of stone riprap placed around Island No. 1 — under contract dated December 17, 1868 — from January 13, 1869, to September 22, 1870, 19,188$\frac{4}{7}$ cubic yards = 19,188$\frac{4}{7}$ cubic yards.

"Total quantity of stone riprap placed around Island No. 2, up to the close of my connection with the work as architect and engineer, namely, January 26, 1871, 6,802$\frac{2}{2}\frac{4}{7}$ cubic yards = 6,802$\frac{2}{2}\frac{6}{7}$."

On motion, adjourned to 10:30 to-morrow morning, September 10, 1875.

NEW YORK, *September* 10, 1875.

The committee met pursuant to adjournment at 10:30 A. M.

Present — The Hon. George W. Schuyler in the chair; Messrs. Alvord, Vosburgh and Waehner.

James McQuade, called and sworn:

By Mr. WAEHNER:

Q. You are at present a commissioner of quarantine? A. I am.

Q. You have been a commissioner how long? A. Since the 10th of March last.

Q. Will you state briefly the duties of your office? A. Well, sir, by law the quarantine commissioners are made custodians of the quarantine property, in the bay of New York, belonging to the state; it is their duty to exercise a general supervision over quarantine affairs, and look after the property; in case the decision of the health officer should be questioned, the quarantine commissioners are made a board of appeal; their decision is final in case of any contest; they exercise the ordinary powers of the board having charge of that department of the state.

Q. Do you at present audit the bills for money expended by the health officers? A. Yes, sir.

Q. State now the property which is peculiarly the property of the commissioners, as distinct from that of the health officers; I mean the property of which you have the particular custody? A. We are custodians of all the property belonging to the state, including the islands, the buildings, the steamboats, the small boats and every thing belonging to the state.

Q. Including the board station? A. Yes.

Q. There is a steamboat connected with the quarantine commission, known as the "*Hopkins*?" A. Yes, sir.

Q. For what purpose is that boat used? A. For the general purposes of quarantine, the transportation of supplies and the transportation of the sick, or for any other general quarantine purposes.

Q. How many months of the year is that boat in active service? A. About six months of the year; during the quarantine season.

Q. Who employs the officers and men to man that boat? A. The health officer.

Q. Are they employed by the year? A. Employed by the month and paid by the month.

Q. There are some paid a salary — the captain? A. He is paid by the month.

Q. During the time the boat is not in active service does his salary continue? A. The salary of two men continues, of the captain and engineer; they were kept last winter to take charge of the boat, and the others were discharged; I was not commissioner, so that I speak simply from information.

Q. During the time you have been commissioner of quarantine, do you know of any occasion where this boat has been used for the transportation of the sick to the hospitals? A. Yes, sir.

Q. In your opinion is more than one boat required for quarantine purposes? A. I think two boats are required; that is, you understand me, one boat in addition to the health officer's boat; the health officer has a boat which is used for boarding purposes almost exclusively; the other boat is required for the general use of quarantine.

Q. Would not one boat be sufficient for both purposes? A. I think not; some days the arrivals are so great that it is as much as one boat can do to board all the vessels; for instance, one day last week 86 vessels were boarded, and you can readily see that it would require one boat to do all that boarding.

Q. Do the commissioners hold regular meetings? A. They do.

Q. Do you state that in your opinion these two boats are necessary for quarantine purposes; how is it that the services of one of the boats is dispensed with for about six months in the year? A. During the winter months, out of the quarantine season, one boat is able to do all the boarding, and do, what I may call, the odd jobs required, whereas during the quarantine season, where vessels are kept in quarantine in the lower bay, it is necessary to have two boats to attend to all the services; you understand that until the first of May in the winter months vessels are not quarantined in the lower and upper bay, and those vessels that are in quarantine have to be visited frequently by the health officer in a boat; some are quarantined near to the steam-ship *Illinois*, and some in the upper bay, where they discharge cargo; I think that one boat is required for boarding purposes — the health officer's boat and another boat might be dispensed with, but I think it would cost at least as much to charter a boat for general quarantine purposes as to employ and maintain the boat we now have.

By Mr. ALVORD:

Q. In that connection you might charter a boat for a limited time required for the extra service, and your idea is that it is cheaper to keep employed the boat you now have, than to charter another boat for special services? A. Yes, that is my opinion.

Q. What would be the cost of chartering the steamboat? A. Ten dollars an hour is the regular charge; of course the *Hopkins* is there, and is the property of the state; I believe a law was passed to provide for its purchase; it is possible that a similar boat would answer the purpose; the advantage of the *Hopkins* is this, that she is a boat able to carry a large number of passengers, and is, therefore, employed to transport passengers and mails from vessels that are in quarantine during the quarantine season.

Q. Are there any charges made for the transportation of mails and passengers? A. Yes, $30 a trip, calculating it at $10 an hour, and three hours employed on each trip.

Q. Who makes that charge? A. It is made by the commissioners of quarantine; the money is collected and paid into the treasury of the quarantine commissioners.

Q. What is done with her then? A. The money is expended; it becomes a part of the funds provided by the state for quarantine purposes; the report of the quarantine commissioners for last year will show the amount received for that purpose.

Q. Will it show also for what the expenditures were made? A. It will.

Q. Are there any other charges made for the commissioners of quarantine for any other services beyond the carrying of the mails and passengers? A. None other.

Q. Heretofore it was the custom of the health officer to charge for the transportation of the passengers and carrying of the mails? A. I do not think, under the administration of Dr. Vanderpoel, any charge was made for the benefit of the health officer personally; I would not be sure about that, because I am not familiar with it; I think all the charges for the transportation of mails and passengers went into the treasury; it is to the same effect as if it was paid into the treasury of the state, because it becomes a part of the funds of the commission and is disbursed according to law.

Q. Do you know of any law authorizing the collection of this $30 a trip? A. No, there is no act of the legislature that I am aware of; it is the regular charge made for such service; for sanitary reasons it is not deemed proper to allow steamers or tugs generally to visit vessels in quarantine, therefore this boat is employed and paid as any other steamboat.

Q. This charge is paid by the consignees or owners of vessels? A. Paid by the owners of the vessels.

Q. Do not you think a contract might be made with outside persons for the doing of the work which the *Hopkins* does, at a lower rate than it costs the state to maintain that boat for a year? A. Well, that is a subject I never gave much attention to; I do not know what it would cost to contract with outside persons.

Q. The health officer pays the expenses of running his own boat? A. He does.

Q. Heretofore that was a charge on the state? A. It was directed to be paid by the state, according to the supply bill — "for running all steamboats for boarding vessels;" that clause having been omitted in the supply bill of 1875, we took the ground that the health officer must pay the expenses of running his own boat for boarding purposes.

Q. What is about the annual expense of running that boat. A. Eight thousand or nine thousand dollars for the "Fenton."

Q. I speak now of the *Hopkins*? A. That is about the same.

Q. That includes repairs? A. Yes, everything.

Q. That is it costs about eight or nine thousand dollars to run the *Fenton* for a year, and about the same to run the *Hopkins* for about six or seven months? A. The *Hopkins* is always ready in case of emergency, to be used at any time, and the salary of the captain and engineer runs on; the *Hopkins* is ready to be used in case of a fire; for instance the buildings on Dix Island are of wood, and in case of a fire, there might be danger or loss of life; the *Hopkins* is ready during quarantine season, when not employed in the bay, to run down there, not only to take off patients, but to extinguish fire; she has a pump for that purpose.

By Mr. VOSBURGH:

Q. I think you testify that the *Hopkins* run between six and seven months of the year? A. Yes, I think seven months.

Q. What is the pay of the captain? A. One hundred dollars a month and rations, which he commutes at $20 a month; the men are obliged to remain on board the vessel.

Q. What is the pay of the engineer? A. The same.

Q. You say after this boat is laid up the captain and the engineer are paid for the balance of the year; what duties do they perform? A. They take charge of the boat, watch the boat, and in case it it necessary to use her, they run the boat.

Q. But she has not been run, and it is not customary to run her during the winter time? A. In case of an emergency, if the *Fenton* should break down.

Q. The captain and engineer are employed for five months in the

year, at a salary of $100 a month each, as ship-keepers? A. Yes, and as captain and engineer, in case there is a necessity to run the boat.

Q. Do you not think it would be more economical, after the quarantine season is over, to lay this boat up in charge of an ordinary ship-keeper, and in case of an emergency to telegraph for a boat to meet that emergency? A. I think it would be more economical to keep the boat ready for use at all times, and competent men in charge of her; I think it would be more for the interest of the state, in view of the fact that this is a valuable boat; it might be a few dollars cheaper to do the other way, but I think it would be bad policy.

Q. If she was placed in the hands of a ship-keeper, at a nominal salary per month, would not that answer, until the regular crew was again put on board in the spring of the year; ship-keepers are put in charge of vessels at from $40 to $50 per month? A. Yes, but they have no occasion to use the boat you speak of.

Q. You do not use the *Hopkins* during that season? A. She is ready to be used in case of an emergency — in case the *Fenton* should break down, or in case of a fire.

By Mr. SCHUYLER:

Q. How much do you pay ordinary hands per month? A. $56.66, and rations, which are commuted at $20 per month.

By Mr. VOSBURGH:

Q. That makes $76 per month? A. $76.66 for deck hands.

Q. Is not that a very high price? A. It is a very high price for deck hands.

Q. There are no deck hands that go out of this harbor that get as much? A. But ordinary deck hands are not expected to handle yellow fever or cholera, or small-pox patients; these men have to take all these classes of patients in their arms and carry them; there is a great deal of disinclination on the part of deck hands to handle these cases; then one case of black vomit may spoil a suit of clothes; a man who gets any black vomit on his clothes, they are destroyed, there is an extra risk; the salary may be high, but, of course, you cannot put in comparison the wages paid for ordinary services, and wages paid to men who have this service to do; they may not be called upon for once in a month to handle these patients, and yet they may; it is a service that very few like to engage in; these wages were fixed before I came there.

Q. That matter is exclusively under the control of the health officer? A. Yes, we have nothing to do with it.

By Mr. ALVORD:

Q. I ask you, your general opinion taking into consideration, the possible dangers of the position that these men occupy, do you think the salary paid the deck hands employed in this business, is too large? A. No, sir; I do not think it is too large in view of the exigencies; in fact if I had any thing to say in fixing it, I do not think I would reduce the pay.

By Mr. VOSBURGH:

Q. They are paid a large salary in comparison with the other deck hands employed round the harbor? A. Undoubtedly they are.

By Mr. ALVORD:

Q. I ask whether or not the possibility and detriment to health, and the possibility of taking those diseases which may effect life does not make all the difference? A. I think it does; I do not think these wages are too high in that view — in view of the fact that they are liable at any time to handle patients with contagious diseases.

By Mr. VOSBURGH:

Q. How many cases of contagious diseases have they handled this year? A. There have been very few cases this year; I know of some cases of small-pox, and I saw a post-mortem examination of a case the night before last, which I presume was yellow fever; the doctors did not like to say much about it, but I had no doubt it was a case of yellow fever.

By Mr. ALVORD:

Q. They are always running the risk of handling contagious diseases? A. Yes.

Q. And whether or no there is not absolute assurance that these are contagious diseases, still, as I understand you, the popular mind is so impressed with the idea that they are contagious, that it renders them unwilling to perform such services? A. Yes; it is on the same principle as there is a necessity for keeping up a quarantine establishment; there are years when there is very little necessity for a quarantine establishment; but it is on the principle that a man insures his house; the disease may come, there may be a hundred cases in the year, or there may be none; but if the quarantine authorities should allow a case of yellow fever to slip through and to develop in the city of New York, they would be greatly blamed by the public.

Q. And the parties who engaged to prevent that, in the shape of employees, are aware of that fact, and ask a certain amount of wages

as a sort of insurance, or as a precaution growing out of their possible danger? A. Yes; we pay higher wages than are paid ordinary for men pursuing the same avocation, simply because there is a greater risk, and the higher wages is simply an insurance against risk? A. Yes, sir.

By Mr. VOSBURGH:

Q. Since the passing of the supply bill in 1873, and the way the establishment is conducted now, the duties of the quarantine commissioners are not very onerous? A. Well, they are not exhausting.

Q. That is, the power has been placed entirely, you may say, except in a case of appeal, in the hands of the health officer? A. No, sir: we do not acknowledge that; at least, I have not as a quarantine commissioner.

Q. Was it not acknowledged before you became quarantine commissioner? A. Well there was a little laxity of administration, I think, I think the quarantine commissioners were a little better natured than I, perhaps, and did not insist upon their rights in the premises; I think probably that is so.

Q. They did not construe the law in the same manner as you do? A. Well, there has been a little change in the method of administration since I came in, I believe.

By Mr. ALVORD:

Q. What do you conceive to be the duties of the commissioners of quarantine now? A. Their duties, as I have stated, are to supervise and take charge of the property, to see that it is kept in order, to audit, to authorize the expenditure of money—the appropriation made by the state, and generally to look after the interest of the state property.

Q. To authorize the expenditure of money for quarantine purposes whether directed by the health officer or for other expenses? A. Yes, sir; the entire expenses; there is no expenditure made without the supervision of the quarantine commissioners; the health officer has no power.

Q. Any money derived from the appropriation of the state, for the purpose of quarantine, whether directly applicable to the quarantine commissioners or to the health officer, in your opinion and in the performance of your duty should undergo the supervision of the quarantine commissioners? A. That is so; there has been no money expended since the supply bill of 1875. without the sanction of the commissioners.

By Mr. SCHUYLER:

Q. How is it then that the health officer fixes the salary of the employees? A. That is a special law giving them that power.

By Mr. ALVORD:

Q. Who does he employ? A. He employs everybody.

Q. Does he employ the superintendent of Dix Island? A. Yes, every one.

By Mr. VOSBURGH:

Q. And those employees were paid out of the state treasury? A. Yes.

Q. The superintendent of Dix Island? A. Yes.

Q. And the deputies? A. Dr. Vanderpoel pays the deputies himself.

By Mr. ALVORD:

Q. How many employees are paid out of the appropriation of the state? A. The superintendent of quarantine, the keeper of Hoffman Island, the captain, engineer and deck hands of the steamer *Hopkins*, the boatmen on the *Illinois* and at Dix Island, and the nurses and attendants in the hospitals at Dix Island; all the employees of quarantine are paid by the state, except the hands on board the *Fenton*, which is the health officer's boat used for boarding vessels, and his deputies; that is in accordance with the law of 1863.

By Mr. SCHUYLER:

Q. If all this is done by the health officer, how is it that the commissioners of quarantine control all the expenses? A. They control the expenditure; the health officer appoints these forces and fixes their compensation; that is a matter of law, over which we have no control.

Q. Are the commissioners of quarantine to audit and pay the salary of any employee employed by the health officer.

A. I think so, under the law; I think that the law is very anomalous in this respect, and is wrong.

Q. It is at the option of the health officer to employ who he will, and fix the salary, and all that is left for the commissioners is to audit and pay? A. Not quite so wide as that; I think that the law of 1870 is an anomaly and never should have been passed; I think this matter should be in the hands of the quarantine commissioners.

Q. In relation to police appointed for quarantine, I believe $4,000 was appropriated last year for them; what service do they do? A. They are put on board a vessel, subject to quarantine, to see that no

person boards the vessel without the permit of the health officer, and to see that there is no communication between these vessels and the shore; general police duty to enforce quarantine regulations.

By Mr. ALVORD:

Q. Is that a necessity? A. I think so, there must be some one to watch.

Q. Is the amount paid for police in excess of the duties required to be performed? A. I think they might be employed at a smaller compensation, perhaps; of course the same idea prevails in regard to the payments of police, which we spoke of in the other cases, because they have to go on board of vessels which are quarantined, and so prevent communication with outside parties, and so are liable to contagion, they get $1,000 a year each, I believe.

Q. Does not the average policeman of New York get $1,200? A. Yes, I believe so.

Q. Taking into consideration the particular position which these police occupy, as contrasted with the position which the police of New York occupy, is $1,000 a year excessive? A. In view of the fact that they are liable to take yellow fever at any time, I think $1,000 a year is not too much for that service.

Q. Right in that connection, do you believe that you could get along with a less number than four — taking the average of ten years and the number of vessels in quarantine? A. I think you could not get along without four; of course you understand that in case there is a large number of vessels in quarantine you require all these men, but if there was only a small number of vessels, probably two men would be enough; it all depends on that.

Q. Right in that connection, let me ask whether or not it is better to employ all the men that you may want under any exigency, or only to employ those that you want at a particular point of time, and to depend on getting outside parties in cases of an emergency; which is the most economical to the state? A. I think it is better to employ four, just on the same ground that I insure my house, although I think there is no one chance in a thousand of its burning down; I think quarantine should be established on the principle of extraordinary circumstances; that is, to be prepared to meet the case of an epidemic.

Q. How many years have these police been employed? A. Since 1865, I think; the quarantine commissioners have no control over their employment.

Q. The health officer appoints these police, and he is limited to four, at $1,000 each? A. Yes, it is a specific appropriation.

Q. Now, as a matter of economy, supposing that you should do

away entirely with the constant employment of the *Hopkins*, not taking exceptional years, but taking the average of years, and go into the general market for the employment of boats for the work that is performed by the *Hopkins*, would it be cheaper or more costly for the state to employ these exceptional boats, rather than to keep the *Hopkins?* A. Do you desire a categorical answer, or may I be allowed to explain?

Q. You may explain? A. I believe that the ordinary rate for chartering such vessels is $10 an hour; I assume it would cost $10 an hour to charter the boat for quarantine purposes; but I also assume that if you are going to carry a number of yellow fever patients to Dix Island, or of small-pox patients to Blackwell's Island, I doubt if you could get a tug boat to do it for $10, or perhaps $50 an hour; I should think, in view of the fact that it is probable you would be charged exorbitantly for any such service, it is cheaper to keep the *Hopkins*.

Q. In other words, you answer me that it is cheaper for the state to maintain a boat of its own, which is compelled by rigid and strict rates of compensation paid to its employees during the entire year, to do this work, than it is to depend on exceptional engagements growing out of certain exigencies? A. I should say so; you understand, of course, that I throw in the small-pox and yellow fever.

Q. Now could one steamboat answer as a boarding steamer and for transportation purposes? A. No, sir; I think it is necessary to have one steamer for boarding purposes exclusively.

Q. You have instanced one day last week where 86 vessels were boarded? A. Yes; I think on Monday week.

Q. In that case it would be an utter impossibility, in the event of an emergency requiring the sending of a small-pox patient to the island, for this boarding steamer to have done it? A. Entirely so; for example, a vessel arrives in the lower bay with a case of small-pox; it is necessary to send a steamer to the vessel to take that case to Blackwell's Island, and in the meantime five or six vessels may arrive at quarantine to be boarded, and steamers do not like to wait.

By Mr. VOSBURGH:

Q. In case you take small-pox patients to Blackwell's Island on the *Hopkins* and she has to be used for other purposes the next day, do you generally fumigate her? A. No, sir; people must take their chances; I do not want to discourage your visit to the *Hopkins*. (Laughter.)

Adjourned till 10:30 o'clock A. M. to-morrow.

COMMITTEE ON QUARANTINE,
November 11, 1875.

Present — Messrs. Schuyler (chairman *pro tem*), Alvord, Vosburg, Gedney and Waehner.

S. Oakley Vanderpoel, a witness, being duly sworn, testifies:

By Mr. WAEHNER:

Q. You are the health officer of the port of New York? A. Yes, sir.

Q. Will you give to the committee in a narrative form, in the first place, a statement of the property at quarantine, and then a history, or at least a narration of the duties of the health officer, and those of the commissioners of quarantine? A. The property of the state consists, first, of the boarding station, with the residence of the health officer, the residence of the deputies, boat-house, docks, three or four small boats pertaining thereto, floating stage, two steamboats, *Nelson K. Hopkins*, and *Governor Fenton*; I believe that comprises all the property of the boarding station; going down, the next is the property at Hoffman's Island, with the large buildings erected on it; going down still further to Dix's Island, is the hospital structure, and the furniture pertaining to the hospital, which is quite large, and the superintendent's residence; going down still further is the hulk, *Illinois*, the fee of which, I think, is in the general government, but which has been virtually given to the state.

Q. Can you state the duties of your office and those of the committee of quarantine? A. It is the duty of the health officer to board, during all of the year, every vessel coming from a foreign port, to make a sanitary inspection of every vessel and determine whether she has had sickness on board during her passage, or whether she comes from a port where there is sickness and disease, and the character of that sickness, and if found all right, to give her a pass, which pass is to be exchanged with the board of health of this city for their pass, or of Brooklyn, or of Jersey, wherever the vessel may go; during certain seasons of the year coasting vessels coming from Chesapeake bay, and southward, report in the same manner to the health officer for examination; the boarding is divided; during a portion of the year, I think it is from the 1st of May to the 15th of October, I won't be positive as to the 1st or 15th of May, depending upon the character of the weather, until I look at the law, all vessels coming from the West Indies and the east coast of South America, and the west coast of Africa, reported to a deputy in the lower bay stationed at the "Illinois," for boarding; in general terms, any vessel which may

come from a port where it is possible to be affected by yellow fever, reports to the deputy of the "*Illinois.*"

Q. The boarding station, at which is your residence, and the residence of the assistant health officer, is furnished by the state?

A. Is furnished by the state, yes, sir.

Q. Will you state generally the powers possessed by you of designating, or appointing subordinates in the quarantine commission, or in your department?

A. Well, I think the section of the law will better determine that than I can. "To enable the health officer to enforce that sanitary discipline" —— I think the word "sanitary" means salutary —— "among the employees of said establishment which are necessary to the prompt and efficient discharge of its duties, all the said employees, as well as all persons required by law to be licensed for service under quarantine, shall be selected and licensed, and may at pleasure be dismissed by him, and the compensation and charges for services of all persons so selected, or licensed, shall be fixed and determined by the said commissioners in conjunction with the health officer, the mayor of the city of New York, the president of the board of aldermen of the said city and the mayor of the city of Brooklyn."

Q. That provision of law is still in force?

A. Yes, sir.

Q. Will you state what the duties of the commissioners of quarantine are, as you understand them?

A. The general maintenance and care of the establishment on the part of the state; their duties, previous to within two years past, were that of a board of construction; they were originally created as a board of sale of the old quarantine property, and a construction board, but latterly their duties have been confined to the care and maintenance of the establishment.

Q. They also exercise appellate powers?

A. Yes, sir, from decisions of the health officer.

Q. They also have the exclusive control of all the disbursements of appropriations made by the legislature for quarantine purposes?

A. Yes, sir, they have at present; they have had since I was health officer, in which I have been united with them in the disbursements.

Q. That was at the time of the construction?

A. Yes, sir.

Q. Are there two boats connected with quarantine operations?

A. Yes, sir.

Q. The *Hopkins* and the *Fenton?*

A. The *Hopkins* and the *Fenton.*

Q. The *Fenton* is exclusively under your control for boarding purposes?

A. Exclusively under my control and pay.

Q. The *Hopkins*, the running of her is paid by the state?

A. Yes, sir.

Q. In your judgment, are these two boats requisite for quarantine operations, for the purpose of carrying them on successfully?

A. Well, situated as the state is now, the question requires some explanation.

Q. Give us a full explanation?

A. If the state were to start *de novo*, I should recommend but one boat; were the state to start anew, one boat a little larger than the *Fenton*, and a smaller boat than the *Hopkins* would answer every purpose, but as the state has two boats, if they were properly run, I don't know that any change could be made for the better, on the general principle that the attempt on the part of the state to sell any thing and build anew, is never a very economical process; that is to say, the use of the *Hopkins* is really so little for quarantine purposes, still you have to have a boat for an emergency; we have always claimed that, in case a fire took place at the island, a boat large enough to carry away the people should be provided by the state to remove the passengers from burning up, or in case of a large emergency, which occurred in 1869 and 1870; the coming into the port of cholera or yellow fever, you would want a large boat to transport the passengers; still the *Hopkins* is large enough for that; as to boarding purposes, she is too large for boarding purposes, and in such a case, if there was but one boat, and we required a larger one, it would be economical to charter one temporarily if the emergency arose.

Q. You regard the *Hopkins* as necessary in cases of emergency? A. That is all.

Q. For general use and purpose the *Hopkins* is unnecessary? A. Yes, sir; I want to make here an explanation, and I think it is proper I should do so, because I am responsible for the building of the *Hopkins*, and it is due to me to be consistent in making this answer; when the *Andrew Fletcher*, which was the boat in quarantine when I came here, was burned in the fall of 1872, December, it was my first season in quarantine; it was during the time when the construction of account was going on in a very active form, and it was necessary to have a boat going constantly back and forth to the island and transport every material, you have to take into consideration that all materials had to be transported to the island, including water and sand, then the boat was in a measure necessary, but the construction account has been closed now for two years, and the real uses of the boat are very few.

By Mr. ALVORD:

Q. Right in that connection, with your permission, Mr. Waehner, I want to ask this question: whether, in your opinion, taking into consideration your experience, it would be cheaper to maintain the *Hopkins* for the purposes of emergency, or cheaper than to depend upon hiring for an emergency in the future? A. The answer to that question, it seems to me, will come in better when the subject, and the health officers' relations to quarantine in maintaining it, come up; I presume the gentlemen here will probably open that investigation, the relation of the health officer to the state, as to his duties, or what he should do toward the maintenance of quarantine, and what the state should do.

Q. My question is, whether, in your opinion, it is better for the state to maintain a boat like the *Hopkins*, to be used on an emergency, as a matter of expense, or to depend upon the possible contingency of an emergency, such as you speak of, to hire boats for the occasion? A. As the state owns the boat, and she lies there, it would be better for the health officer to be made responsible for the running of that boat, and the state to be put to no expense for it, except maintaining the ship-keeper on board of her.

By Mr. WAEHNER:

Q. In your judgment, it would not be necessary to have two separate crews paid by the year? A. No, sir; in case the health officer had to use the boat he would transfer the crew from the *Fenton* to the *Hopkins*, and when he is using the *Fenton*, boarding in a small boat, when it is the season of the year you can board in a small boat.

Q. That would save the expense of two crews for six months in the year, or by the year? A. Yes, sir; and a great amount of coal, and lessen the expenses of repairs; my idea would be that the engineer should be the ship-keeper; I suppose the ship-keeper would be maintained by the state, only in the winter at a very much reduced sum.

Q. We would like, in this connection, to have you state what your relations are toward quarantine at present, and you can make a general statement of the recommendation you would advise in relation to your relationship at present? A. Do you mean in relation to the quarantine law?

Q. Yes, sir; in relation to the general quarantine law? A. I think the present law is very defective; in the first place the commercial community—the present restrictions upon the commercial community are far too stringent; that is to say, did I live up strictly to the requirements of the present law in making my decisions, it would almost

destroy the commerce of the port; then, again, the second point to consider would be the relation of the health officer to the state, and the reciprocal relations of the state to the health officer here; that is to say, how far the health officer should be responsible for the maintenance of the establishment; and how far the state should be responsible; in the third place, the question of the commissioners of quarantine would come up, in how far it was necessary to continue the office or not.

Q. Will you state whether, in your judgment, the offices of the commission of quarantine are unnecessary? A. That depends altogether upon the policy adopted, whether the state wants to make an individual responsible directly to the comptroller, or whether they prefer to have their property cared for by a commission.

Q. Taking the first view of the case, what would you say? A. I would think it was better to have an individual responsibility to the comptroller.

Q. That would save the salaries of commissioners? A. Yes, sir; and the clerk, and the office rent and the running of the steamboat

Q. Then in relation to the appellate powers of the commissioners of quarantine, what would you suggest in relation to that? A. There should be an appellate board.

Q. How would you say that should be constituted? A. Either continue the commissioners of quarantine as an appellate board, or take three gentlemen who represent the commercial and sanitary interest of the city, the president of the chamber of commerce, the president of the Ship-owners' Association, and the president of the board of health.

By Mr. ALVORD:

Q. You are now, by virtue of your office, one of the board of health? A. Yes, sir; but I am not president.

Q. That would make a jog in your appellate court as to who acted with you in the board of health? A. The same thing would exist if you didn't do that; the board of health are really an appellate board from this appellate board; it would matter nothing at all what this board would decide about a vessel as the law stands now; it would be a matter of indifference to me what that appellate board would decide, because the board of health would review their decisions, and if they thought it was proper a vessel should come they would have a final decision in the matter.

By Mr. WAEHNER:

Q. You have no power to vote as a member of the board of health in this city? A. Yes, sir; I have the same power as any of the commissioners.

Q. But your appellate tribunal would consist of persons who have no relation whatever except one of the members? A. I said the president of the board should select any medical gentleman of the city; I think the medical interest should be represented in the board as well as the commercial interest; in selecting the Chamber of Commerce and the Ship-owners' Association you select the two principal commercial interests of the city, and the sanitary interests should be represented more or less.

Q. But the sanitary interests of the city would be sufficiently guarded by the board of health? A. I believe that is an open question

Q. State, of your own knowledge, what the sources of revenue are from the quarantine to the state? A. The sources of revenue are the transportation of passengers and the care of the sick.

Q. State what arrangement at present exists in relation to the care of the sick? A. The only arrangement I have ever made was with Major Colville, the superintendent of the island, the first year I came there.

Q. And what was your arrangement? A. That he was to receive eighty cents a day for their board, and the State was to receive twenty cents a day, and the ship-owners paying a dollar a day; the twenty cents would cover the pay of nurse and medicine to the state, and eighty cents goes to Mr. Colville for boarding.

Q. Is there any suggestion that you would make in relation to that matter that would be more advantageous to the state? A. No, sir; I don't know that I could make any; as to the price of board in the different hospitals, it costs more to maintain a patient there than in the hospitals in the city, where the average cost of maintenance is from forty to fifty cents a day, but I consider the state wants to make no money out of it, and the superintendent should be paid for his trouble down there, and the state only wants to be reimbursed for the cost of medicine and salaries.

Q. The superintendent you speak of receives a salary? A. Yes, sir.

Q. How much is the salary? A. I think it is $180 a a month; I do not know the precise figures exactly; $180, I believe, it is.

Q. By whom is that salary paid? A. By the state.

Q. Will you state, in this connection, what employees are paid by you out of your own pocket? A. I pay the deputy health officer, and I pay the captain, engineer and deck hands of the *Fenton*, and furnished coal.

Q. All other persons connected with quarantine are paid by the state? A. Yes, sir.

Q. Have you any information now as to the number of patients for

which this sum was paid during the past year? A. I have not had the report of the physician this fall; he is to make it in a few days.

Q. Who is the physician? A. Dr. McCarthney.

Q. The appellate tribunal you speak of for reviewing the decisions of the health officer, in your judgment should that be a salaried office — do you think the gentlemen named would be willing to accept the position? A. The board never has been called since I have been health officer, nearly four years; no case has ever been appealed.

Q. That office would be something of an honorary one more than any thing else? A. Yes, sir; but the emergency might arise at any time.

Q. Who is, at present, the chairman of the chamber of commerce? A. Samuel D. Babcock.

Q. The Ship-owners' Association? A. Mr. Brett is the chairman of the Ship-owners' Association.

Q. In relation to the commission appointed by the state for ascertaining the quarantine boundaries between New Jersey and this state, the necessity for that commission no longer exists, does it? A. I should think not.

Q. Those boundaries have been established? A. Yes, sir.

Q. When were they established? A. Well, I think a report which that commission made last winter to the legislature, virtually established that; if you look at the first page of that report, you will see when it was established; I know Benjamin F. Butler was one on the part of this state, and Mr. Felinghuysen on the part of New Jersey.

Q. Will you state what the pay of the captain and engineer of the *Fenton* is? A. I have paid them $100 a month, so far, but I gave them notice on the 1st of November that during the winter months I should pay them but $90.

Q. And the deck hands? A. They have been paid $76.66, and I shall reduce them during the winter season.

Q. You might state, in this connection, any recommendations that you can now think of to make to the legislature, so as to secure, if possible, a more economical administration of the quarantine affairs, besides those suggestions which you have already made, which seem to reduce the expenses considerably? A. Well, the carrying out of the suggestion I have already made, would make a very important reduction in the administration of it, and it is my opinion, also, that very many of the salaries which were established at a high period, should be, in some degree, lessened; I cannot particularize them; I think, for instance, the boatmen, and all, have been receiving no higher wages than they should have received in times past, but there has been a reduction in everything, and the cost of living has fallen.

Q. Generally, how much would you think the quarantine could be run at, assuming that the office of the commission of quarantine was abolished, and the charge of the *Hopkins* placed under the health officer, as compared with the present and previous years? A. Well, sir, during the present year —

Q. That would consolidate the administration very generally in the health officer, giving him also the power to appoint and remove subordinates? A. My idea is that the state should occupy the same relation to quarantine, or pursue the same course in relation to quarantine that she does in relation to her own institutions; in a general way I speak of such as the insane asylum and the state prisons; that is to to say, that she should maintain the property in repair, and that she should keep on her individual keepers; the state should keep the boat keeper on the *Illinois* and her superintendant on Dix Island her superintendent on Hoffman's Island, and a superintendent or boat keeper, whichever you choose to term it, on the *Hopkins* and that the health officer should then pay the current expenses of the establishment.

Q. How much do you think that the expense to the state under such an administration would be, as compared with the present or previous expense? A. I could run the whole thing for $35,000.

By Mr. ALVORD:

Q. It is now what? A. Sixty thousand dollars odd.

Q. And, in this connection, who has the appointment of all these employees now? A. I do.

Q. They are not in the commissioners of the board of emigration at all? A. No, sir, in no sense.

By Mr. WAEHNER:

Q. But the salaries are fixed? A. The salaries are fixed under a special provision of the law.

Q. Which I have read? A. Yes, sir.

By Mr. ALVORD:

Q. You, a few moments ago, said you were proposing to reduce the pay of the officers of the *Hopkins*; by what authority do you do that? A. The *Fenton* I run myself as an individual boat; the pay of the *Hopkins* can only be reduced by this commission; it is the *Fenton* I have reduced.

Q. That you pay yourself? A. Yes, sir; that is an individual matter.

Q. You simply speak of that as an illustration by way of stating the possible amount of reduction that could be made under the present administration in the employes outside of you? A. Yes, sir.

By Mr. GEDNEY:

Q. What commission establishes the salaries? A. The mayor of the city of New York, the mayor of the city of Brooklyn, the president of the board of aldermen of New York, and the health officer, and the commissioners of quarantine; I mentioned a little while ago an engineer on Dix Island which they have now; there is a large amount of steam pipe there and heating apparatus, and two boilers, and it is very important there should be an expert in charge of it, and the state should pay for it; that is no object to the health officer in any way

By Mr. WAEHNER:

Q. Those policemen that are appointed, they are designated. I believe, by you, are they? A. Yes, sir, under the general terms of the law.

Q. And paid by the state? A. Yes, sir.

By Mr. SCHUYLER:

Q. Are they essential? A. Yes, sir, during at least a portion of the year; during the quarantine season it is impossible to get along without them; there are policemen always on duty in the upper quarantine at that time, making arrests of vessels and persons who are evading quarantine; the policemen are there night and day.

By Mr. WAEHNER:

Q. Do you include the expense of those police officers in the estimate which you have made, on which quarantine could be run? A. Yes, sir.

Q. You think, if the office of the health officer were a salaried one. that it would be to the advantage of the State as compared with the present system, or with the system that you suggest here? A. No, sir; because the state could not collect any thing.

Q. There being a constitutional objection to that? A. Yes, sir; the health officer can only collect it as a medical visit to the vessel, and if a law was passed compelling the health officer to pass it to the state the vessel would not pay it, and the state could not sue every vessel for $6.00.

By Mr. SCHUYLER:

Q. Would there be any objection to making the commissioners of emigration an appellate court? A. I don't see any objection; I don't see that there would be any objection; it is more a matter of theory than it is a practical question any way, because, as I have said to you, no matter what the appellate court might decide, the health board of

the city has the exclusive control of any vessel that comes to the docks; that cannot be taken from them, and it is only the moral force the decision of this board would have that gives it any strength at all.

By Mr. WAEHNER:

Q. How much in the aggregate did the boarding station cost to fit up complete? A. One hundred and thirty-five thousand dollars, I think; $120,000 was first appropriated, and I think the state subsequently appropriated $15,000.

Q. Will you explain this item: "To cost of supplying fresh water for boats;" how did that come in as part of the maintenance of quarantine? A. By a very simple thing; you cannot run a boat on salt water.

Q. I mean on the charge of constructing the boarding station? A. That is preparing to do that; that is the erection of a boiler, laying water pipes, the laying of receivers, and all these necessary expenses to supply boats with fresh water, digging wells; the wells had to be dug, and the whole appurtenance of making a water supply.

Q. These expenditures include also the residence of the assistant health officer? A. It includes every thing connected with the establishment.

Q. The purchase of the ground? A. The purchase of the ground, the building of the docks, the making of the water supply, the fitting up of the building and the grading; there was an immense amount of grading and drainage; the cost of removing the old buildings and every thing connected with the establishment and the heating arrangements, fences and every thing I could think of; I cannot go into every item just now connected with the filling in of the dock and the building of the sea wall; there was a large amount of heavy sea wall built.

Q. This was all done under your direction? A. I was one of the board; I was designated by the board as superintendent of it, so that I am virtually responsible for it.

By Mr. ALVORD:

Q. Doctor, I want to ask you in reference to your present system of arrangements in the bay there; your two artificial islands as compared with some other method or way of supporting quarantine in reference to taking care of those who come in, either passengers or sick, as, for instance, you have the *Illinois*, have you not? A. Yes, sir.

Q. That is a receiving ship? A. She is virtually used for nothing but a boarding station, and it would be probably an emergency of twenty years in which she would be used for any thing else.

Q. What is your idea in regard to the fact of the cost and expense

in doing away with Hoffman and Dix Islands, and using in their places hulks of vessels anchored in the same way that the *Illinois*, is, for the purpose for which they were used? A. In the first place I should prefer the hulks, but the islands are made.

Q. You think it would not be economy to abandon them and use the hulks? A. Not now; the entire expense of those islands is very nearly over; there must be some riprap supplied, but there is such an immense amount of rip-rap now that a few loads of stone every year would repair them.

Q. You think the cost of maintaining those islands in the future will be small? A. Yes, sir; except the sills of several of the buildings are rotten, or nearly so; that would be merely the expense of a carpenter, and the planks are worn, and that would be simply the expense of putting in new planks; that is ordinary repairs; there is one great expense in relation to the islands, and that is the crib work. It is only a question of time when the cribwork will rot away, and how far the ripraps and the stone in the crib will sustain the sand in the island is a question which remains to be decided and determined.

Q. Will those timbers rot which are below ordinary low water? A. I don't think they will, but that is not as much as the timbers above low water will be rotten, but the worm there will destroy the timbers below water.

Q. Have you the worm? A. Yes, sir; very badly; no vessel can lie there that is not properly sheathed; the worm will practically riddle the vessels.

By Mr. GEDNEY:

Q. What percentage of the place do those timbers and planks occupy to the rest of the walls? A. It is a small percentage.

Q. What would be the effect in case they did rot? A. It is always supposed, in case they did rot, they would have to fill in more stone; that there is riprap enough to fill it; and, as the crib work sinks away, to fill it in with stone; on Hoffman's island, I deem that almost impossible, for I put a battened wall inside of it and a nice plank wall all around it; Hoffman Island is nicely sheathed with nice plank; the worms won't disturb that, and that will sustain the island more than Dix Island; I saw all the time that Dix Island was being undermined; that the water would get under the crib and wash out and let the earth sink from above, and it was done with a view to prevent the washing out of the sand from the island.

By Mr. ALVORD:

Q. Your general answer is that, inasmuch as you initiated the islands, it is more economical to maintain them than to abandon them and put hulks in their place? A. Yes, sir; very much more so.

Q. But, originally, if hulks were taken in preference, it would have been far cheaper? A. Yes, sir.

Q. Have you ever looked at the question of the maintenance of this emigration bureau here, with its connections of Ward's Island, and all that sort of thing, with the question of head-money? A. No, sir: I have never given it a thought, except as I read the articles in the papers.

Q. Have you any idea in regard to the effect of a larger or a smaller amount of head-money upon the emigration to this port and its commerce? A. No, sir; that is a practical question, whether the owners of the lines have increased or diminished the price of passage according as the head-money has been diminished or increased, that is all: I never paid any attention to it.

Q. Now, I will give you a hypothesis: Take it that the head-money, in 1871, was $2.50, and it was reduced to $1.50 by an act of the legislature, and no corresponding reduction in the cost of transporting the emigrants, where was the effect upon the commerce of the port, or upon the business of the port? A. There were so many other influences at work then, every thing was going on at a railroad pitch; the emigration was enormous during 1871 and 1872, and I don't suppose the consideration of head-money was thought of one way or another.

Q. Prior to 1871, the reduction of head-money, the price of transporting the emigrant was at a certain point, and the head-money was reduced from $2.50 to $1.50; the price of transporting the emigrant was not reduced a dollar by the steamship companies; now, where did the benefit and advantage of that reduction go — did it go to the emigrant or the steamship companies? A. I suppose it went to the steamship companies.

Q. Did it have any effect, in your estimation, upon the commerce or the volume of emigration to the port of New York? A. I don't think it influenced the volume of emigration at all; I think there were other causes.

Q. What were the other causes? A. At that time there was a very great demand for labor in this country, and the German and French war was in progress, and Europe was in a very excited state, and this country was very flush, and the whole tide of emigration was rushing here; wages were high, and, as a consequence, emigration flocked to this country; I consider labor is the whole thing — that whenever labor is high here emigration will flock here, and when labor is high in Europe emigration will flock there; it is like gold in that respect.

Q. The question of the cost of head-money has nothing to do with the question of emigration? A. It does not seem to me that it has.

Q. Have you examined thoroughly the method of quarantine in the other states of this Union which are connected with the emigration?

A. Yes, sir; not as connected with emigration; I know of no other states that have emigration except Boston; there is very little at Baltimore; Boston requires no quarantine, no more than Liverpool.

Q. What effect do you think the system connected with quarantine and the board of emigration in this port has upon emigration to this country from abroad? A. I don't know that it has any; I think that the maintenance of the establishment of the commission of quarantine is the great inducement of emigration to come to this port; I think the institution of the commissioners of emigration has been one great cause; of course the commercial supremacy of this metropolis is another; but second to that is the knowledge the emigrant has that he will be cared for in the manner he is on his arrival here; that fact is known in every part of Europe.

Q. Do yo think, within reasonable bounds, the question of the cost of head-money will have any effect to keep emigration from here, and throw it into other ports of the Union? A. I don't think it has; I think the lines were so fixed here I can hardly see it would have any influence, although, as I say to you, that is not a question on which I should consider my opinion of any considerable value.

Q. I want your opinion in connection with others on that subject; have you any idea that it would be proper on the part of the people of this state, to submit to direct taxation for the purpose of taking care of the board of emigration, and its quarantine established here, as against relief from that taxation by an imposition of head-money and all these charges? A. I don't know where it would benefit the people at all.

By Mr. VOSBURG:

Q. The people of the state have now to pay for the support of emigration by taxation? A. They have, in a certain degree.

By Mr. ALVORD:

Q. The great portion of the emigration goes from this state after it gets here? A. Yes, sir; the most of it leaves here and goes west; it is no benefit to the state except as they are in the city; a very small share of it goes over our own railroads even; the Pennsylvania road carries a great portion of them over its road, and the state has only a secondary benefit from it.

By Mr. GEDNEY:

Q. Who owns the "Illinois" hulk down there? A. I think the fee is in the general government.

Q. What expense is it to this state? the state has the use of it? A. No expense, except the mere maintenance of a boat-keeper, and keeping it in general repair.

Q. The general government lets the state use it for that purpose? A. Yes, sir; as they did the other vessels, the Delaware and the Albany, which were both there when I came, and they have been returned to the general government.

By Mr. VOSBURG:

Q. You speak about the maintenance of quarantine costing from $55,000 to $65,000 a year, and that you thought it could be run for $35,000? A. Yes, sir.

Q. Could you itemize which those expenses would be? A. No, sir; except in lessening the employees; one thing would be the running of the *Hopkins* herself; the salaries of the commissioners, the salary of the clerk, their office rent, and on the general principle that where there are two heads in any department it costs a great deal more to run it than where there is one head.

Q. On the same principle that you consider the board of quarantine commission by making the presidents of the Chamber of Commerce and the Ship-owners' Association, and of the present board of health part of it, would there not have to be an office provided for their meetings? A. No, sir.

Q. Would there not have to be a clerk or secretary to the board? A. No, sir.

Q. One of the commissioners could act as secretary? A. They have not been called together in four years; I don't know but the contingency of their being called together might arise.

Q. You don't think if the power was solely in charge of the health officer, and those parties being an appellate board, that their duties would be merely a board of appeal? A. That is all.

Q. There has not been any case of appeal since you have been health officer? A. No, sir.

Q. The saving, then, would be a saving of the salaries of the commission? A. And their clerk.

Q. Their office rent and office expenses, etc., and the saving of the running expenses of one steamboat? A. Of one steamboat, and probably a general reduction in the salaries now.

Q. If the whole thing was under the charge of the health officer, while having two steamboats they would only have one crew? A. Yes, sir.

Q. One crew to run both boats? A. Yes, sir.

Q. Therefore, if one boat was lying idle, you would not use any crew — there would be no expense, except merely a ship-keeper? A. Merely a ship-keeper.

Q. Which would be a saving to the state of from $25,000 to $30,000? A. I don't think it would be as much as that; it don't cost that to run the boat.

Q. In the aggregate?

A. It would not be a saving of that much quite.

By Mr. WAEHNER:

Q. Can you give the committee any idea of what the fees of the office of the health officer are?

A. I can state to you in general terms, yes, sir; I have no objection to do so; it varies very much in the different months of the year; during the summer months, from the 1st of April to the 1st of October, the fees this year have run at the Custom-House from about $2,500 to $3,000 a month; in addition to that are the boarding fees from the coasting vessels, which are collected on the vessels during six months of the year. I have not kept an account of those, but I should judge on an average they come up to $500 or $600 a month.

Q. Are there any other sources of revenue to the health officer?

A. Yes, sir; in addition to that, during certain months of the year certain of the passenger steamers are fumigated.

Q. And vaccination?

A. Vaccination is a very uncertain source, because I don't think I have received $30 this year from vaccination.

Q. Do the physicians or surgeons on board of the vessels vaccinate generally now?

A. Yes, sir; there is very much more care taken now than formerly in that respect; the proprietors of these lines see the necessity themselves of some improvement of the emigrant, and they are all examined by a physician before they go on board a vessel, and are carefully watched by their own physician coming over. It was heretofore the custom to put them on board as sheep, and pay no attention to them, and if cholera broke out they were left to their fate, and now, instead of that, they isolate a case of cholera on board a ship, and it lessens their quarantine detention, and they are active now in preventing the spread of any epidemic on their vessels, and I look in the future to very much less epidemics coming to the port than there has been in the past; in regard to my fees, I mentioned merely those in the summer season; in the winter season the whole fees of the office are probably from $1,500 to $2,100 a month; taking this month, I don't think the fees of the office will amount to over $1,600, and out of that the deputies and the running of the *Fenton* are paid.

Q. Are there no charges for lighterage? A. No, sir; I have no commercial fees.

Q. If a case of small-pox breaks out on a vessel when within a day or two of a port, the surgeon on board the vessel generally vaccinates? A. No, sir, we vaccinate when they come in; if it is in the cabin, we

would vaccinate the cabin passengers, but we never vaccinated the cabin passengers since I have been health officer.

Q. Taking an isolated case in the steerage? A. We vaccinate the steerage passengers, and those that have not sufficient marks of previous vaccination, their arms are examined; the arm of every person is examined as he passes before the physician, and if the physician thinks there is not evidence of previous vaccination, or the scar is obliterated, he vaccinates.

Q. That would be done just as well if there was only one case? A. Yes, sir, for one case might affect five as well as five thousand, if it broke out in the steerage.

Q. What are the fees for vaccination? A. Twenty-five cents, taking the number of steerage passengers, with 10 per cent off, calculating for those who have been previously vaccinated; we consider that there are about 10 per cent of the steerage passengers that would not require re-vaccination, and that is deducted from the amount before the fees are made out.

Q. Those fees which are collected at the custom-house, what are they for? A. For boarding vessels—for sanitary inspection of vessels.

Q. The boarding fees are regulated? A. They are the same as they have been since 1823; they were established in 1823 at $6.50, and they have remained so since.

By Mr. ALVORD:

Q. Without reference to the class of the vessel? A. Yes, sir, or without reference to tonnage, and that is the reason why, during a certain portion of the year, the vessels that carry a larger amount of passengers pay the health officer a larger fee to equalize.

Q. That is only on foreign vessels? A. That is only on foreign passenger emigrant vessels.

By Mr. SCHUYLER:

Q. I would like to obtain, in figures, what you believe the expense is that the state should incur in maintaining quarantine; for that purpose I would ask the salary of the superintendent and keeper of Hoffman Island, and Dix Island, and the *Illinois*? A. The present keeper of Hoffman Island receives $90 a month.

Q. And of Dix Island? A. He receives $186.

Q. And the *Illinois*? A. Simply a boat-keeper; I think he has $70 a month.

Q. Should the state pay the police officer? A. Yes, sir.

Q. That is about $4,000 a year? A. Yes, sir; but I think that sum could be modified; the boat-keeper of the *Hopkins* should be the engineer; $100 is little enough to pay the engineer, who is respon-

sible for a boat like that; there should be an engineer on Dix Island.

Q. How much for an engineer there? A. It does not require a first-class man; I suppose a man could be had there for $50 a month.

By Mr. WAEHNER:

Q. And board? A. And board.

By Mr. SCHUYLER:

Q. And what should the repairs of those islands cost per year, according to your estimate? A. That is a matter which the commissioners can decide better than I, for I have not kept track of that; there are certain repairs which are quite urgent on Dix Island; the sills of some of the buildings have rotted away, and the planking is bad.

Q. What is the whole cost of the two islands? A. I don't know, sir; that you have got in the testimony; you have got all the details of that.

Q. Would it cost the state $5,000 a year to keep those two islands in repair? A. Yes, sir; you could not do it for that and keep your steamboats in repair; it would not begin to do it.

Q. I am supposing the steamboats were put outside? A. I don't think you could, because there is an immense amount of work to be done. The repairing of the roofing alone of those buildings is very great, for they are in the most exposed parts. You can have no idea of the force of the wind there. There is scarcely a heavy gale of wind but there is an immense amount of slate blown off the roofs.

Q. Would $8,000 do it? A. I cannot say; I suppose there must be over 2,000 windows on those two islands, and the breaking of glass in those windows is enormous at times. There is work enough nearly to keep a painter engaged all the time at these buildings, setting glass and painting, and keeping the property in repair.

By Mr. WAEHNER:

Q. The repairs on Dix Island, last year, cost $3,334.37; on Hoffman Island, "to repairs and coal and small boat $3,902.22; to repairs of the Illinois and coal, $1,379.57;" the *Illinois* is in perfectly good order? A. To be perfectly safe, she should go on the dry dock; she was scraped last year somewhat by the ice; she has been very badly damaged this year, but the department is in no way responsible for that; a steamer ran into her and cut her badly, but the company is repairing her.

Mr. WAEHNER—You might make out a statement in writing of

those expenses that Mr. Schuyler refers to, and send it to the committee to-morrow.

The WITNESS—Yes, sir, I will do that. That is what I consider the necessary expenses under each head?

Mr. WAEHNER—Yes.

The WITNESS—Well, I will do that.

By Mr. GEDNEY:

Q. What percentage of the total cost of those buildings and the fixtures on the island would it take annually for ordinary repairs? In your opinion the cost is so large that the percentage would be small: we will assume that the buildings and appurtenances on those islands are worth $100,000 to each island; is that a low estimate? A. It is a low estimate for Hoffman Island, and it is a high estimate for Dix Island, because the buildings there are all cheap wooden structures; that very thing makes a larger percentage of repairs to Dix Island than it does to Hoffman Island.

Q. Will $100,000 for each be a very fair average? A. Yes, sir; I think so.

Q. I want to ask you what percentage upon the value of buildings of that amount would be its ordinary running repairs, in your opinion? A. I suppose it would be down there, because it is double what it would be anywhere else, at least five per cent; that is the least, from there to five per cent.

Q. You think it could be done for less than seven per cent? A. $14,000 for the two islands.

Q. Buildings and appurtenances, and steampipes, and every thing else there, without the islands? A. Yes, sir; I think I could do it for $5,000.

Q. There is one thing that is apparent to everybody who makes the examination, one cause of the destruction of those slate roofs is because they are so flat; if they had the proper pitch that a slate roof should have, there would not be half the repairs required upon the roof. A. The wind gets great force under the slate, and when they once begin to rip they run right along; the gales are perfectly terrific there, for they have the full force of the ocean gales.

Mr. GEDNEY—I think in the city of New York, where the annual repairs for such buildings might not exceed three per cent they would nearly double it there.

Adjourned to November 12, at 11 o'clock.

COMMITTEE ON QUARANTINE,
November 12, 1875.

Present — Messrs. Schuyler (chairman *pro tem.*), Alvord, Vosburg, Gedney and Waehner.

David W. Judd, a witness, duly sworn, testifies:

By Mr. WAEHNER:

Q. You are at present one of the commissioners of quarantine? A. Yes, sir.

Q. And you have been since when? A. Since February 13, 1873.

Q. Will you detail to the committee the system in existence at the time that you went into office, of disbursing the moneys appropriated for quarantine purposes, the relationship of the health officer to the commissioners in relation to that matter, and also the appointment of employees and subordinates? A. When we came into office as commissioners in 1873, there was in existence at that time, what was known as the construction board, which comprised the three commissioners of quarantine, the mayor of the city of New York, and the mayor of the city of Brooklyn, who had charge of the construction of the islands in the lower bay, which had been in course of construction since 1866. There were also commissioners of quarantine proper, who, at the time that I was appointed, consisted of Richard Schell, a Dr. Bell of Brooklyn, and Samuel Barton of Richmond county; I was appointed in the place of Commissioner Barton, and Mr. Steers was appointed in the place of Dr. Bell of Brooklyn; Mr. Schell remained there for a year; the employees, by a resolution, or rather by a clause in the supply bill of the previous years, were designated by the health officer; the clause reads something to the effect that the health officer can appoint and dismiss at pleasure, the various employees of quarantine, and the commissioners of quarantine, on the appropriation that was made by the legislature of $65,000, paid all of the employees, with the exception of the two deputies of the health officers, Dr. Mosher and Dr. Thompson.

Q. Was Dr. McCartney connected, at that time, with it? A. Yes, sir.

Q. Was he paid by the health officer also? A. He was paid by the commissioners of quarantine under the clause in the supply bill, or rather, I think, it was engrafted on the organic law of the year previous, providing for his appointment.

Q. But he is now paid by the health officer, is he not? A. He is now paid, or has been up to this time, paid by the commissioners of

quarantine as one of the employes of the department; he is the boarding officer in the lower bay, on the steamer *Illinois*.

Q. What was the actual expense last year of running the affairs of the commissioners — the current running expenses? A. The actual expenses of the commission proper were reduced; immediately upon the organization of a new board we cut down the expenses of the commissioners of quarantine proper from $17,500 to about $3,300 a year.

Q. In what respect was that reduction effected? A. At our first meeting a resolution introduced by myself provided that we should secure rooms at a less rate; we found that the rooms which were then occupied, or the room which was occupied, was being paid for by the state at the rate of $1,200.00 per year; I may state that the gentlemen who preceded us made a decided reduction, from the fact that in previous years $12,000.00 a year had been paid by the commissioners of quarantine for the rent of their quarters, as I ascertained from Dr. Anderson, who was a previous commissioner of quarantine; we took another room at a reduction of $600, which has been occupied until this time; another resolution stipulated that $2,500 which had been paid extra to one of the commissioners of quarantine should no longer be paid, which sum was cut off; we also passed a resolution that there should be no expenses paid for counsel fees except as counsel were required, which made another reduction of $8,000; we reduced the salary of the clerk from $4,000 to $2,000, and some other miscellaneous items, which brought down the expenditures of the commissioners of quarantine, as appeared in our report of 1873 for that year, and has appeared ever since, to about $3,300, making a reduction from $17,000 to $3,300, I think, in round figures.

Q. Those were the only reductions made? A. Those were the only reductians that we could reach in our department. I may state that immediately upon my appointment, I proceeded to Albany for the purpose of having repealed a clause which had been [I don't know whether it was a fact or not, but it was so stated) surreptitiously placed in the supply bill of 1870, taking the appointing power of all the employees away from the commissioners of quarantine, and placing it in the hands of the then health officer of the port; also transferring the power of employing all the lighter men, and all of the men who were engaged in any way, and the licensing of everybody connected with quarantine. It was our purpose to repeal that clause, and to put the power back where it had been in the organic law — invested with the commissioners of quarantine, and proceed to make reductions, if any reductions could be made in that department. The clause, however, met with opposition, and the matter was dropped, so far as that clause was concerned.

By Mr. ALVORD:

Q. That is the law now? A. That is the law now; yes, sir.

By Mr. WAEHNER:

Q. Taking the year 1874, what were your expenditures for current expenses? A. The appropriation for that year was some $56,000; I have a little memorandum of it; the old quarantine proper at Staten Island, after the unpleasantness in April, 1860 or 1862, or thereabouts, when they burned the property, was, by an act of the legislature. sold; it was then the intention to remove the entire property down in the lower bay, when the acts were previously passed for the construction of the island, but the property was leased for a period of years—a portion of that property—there were only three or four acres, I think, hat were required, but it was found necessary, in order to secure that amount, that they should rent, I think, some eleven acres, and in the appropriations that were made, there were $10,000 designated for the rent of this property; that was retained by the health officer, and by his assistants, until the new boarding station should be completed; there was, also, an appropriation made of $5,000, for keeping that property in repair.

Q. Without going into the details of that, what I want to get down to is, to see whether or not there was any reduction in the expenditures of the commissioners, from the amount which had been appropriated by the legislature, which appears to be $55,000 for maintenance exclusively? A. No, sir; I don't think that there was; the reduction that was made by the commissioners of quarantine proper in their department still continued.

Q. Which had been made in 1873? A. In 1873; yes, sir.

Q. Do you know of any methods of reducing the expenses of quarantine below the amounts which have hitherto been expended for that purpose? A. I think the quarantine department should be self-sustaining, and should return a revenue to the state.

Q. What recommendation in the form of legislation would you make in regard to that? A. Prior to 1870; the health officer paid his own assistants; paid for nearly the entire force; since 1870 the state has paid for the employees of the establishment for the running expenses of the boats, and the health officer has collected all the revenues; the question of the constitutionality of this has been alluded to, and has been raised, but it strikes me that it is a feasible scheme for the legislature to provide, in the first place, to reinstate the powers which have year after year, been taken away by health officers from the commissioners of quarantine in supply bills at the closing hours of the sessions of the legislature; to reinstate and place back that authority with the commissioners of quarantine, and to then provide that they shall collect the reve-

nues and pay all expenses; we have looked that matter over, the commissioners of qurrantine, and have estimated that with legislation of that character, and I may say here, so far as the constitutionality of that clause is concerned, that if the state has a right to pass a law that every vessel coming in from foreign ports shall pay $6.50 to the health officer; that if the state has the *constitutional* right to provide that each vessel shall pay $6.50 (which in 1871 amounted to $34,000, and in the preceding year to $28,000), to the health officer, the state has the same constitutional right to provide that these fees shall be paid to the quarantine commissioners; if that was done, the commissioners of quarantine have estimated that, with the revenues which come from the foreign shipping and from the coastwise shipping, with the powers which previously belonged to them for the reduction of expenses restored, they (the commissioners) could run the entire expenses of quarantine, pay a health officer and assistant and men handsome salaries, and return $10,000 to the state.

By Mr. GEDNEY:

Q. Annually? A. Yes, sir.

By Mr. WAEHNER:

Q. Have you read the evidence of Dr. Vanderpoel, given here yesterday? A. I glanced at it in the papers.

Q. He claims that he would be able to run quarantine at $35,000; how would your estimate of figures compare with that? A. The simple question is, if it can be run for $35,000 this year, why has not the health officer, who has had the appointment of all of the employees, run it for $35,000 during the past two or three years; the expenses have not been caused by the commissioners of quarantine; our expenses proper have been kept within $3,300 every year.

By Mr. SCHUYLER:

Q. Exclusive of salaries? A. Yes, sir.

By Mr. WAEHNER:

Q. How much? A. Reduced the rent of our rooms from $1,200 to $600; our counsel fees for the three years amounted to $570, as against $24,000; our clerk's salary, the reduction in that respect and in the other items that I have named amounted to about what I have stated.

Q. The commissioners of quarantine, in conjunction with the health officer and the mayor of the city of New York and the president of the board of aldermen of the city of New York and the mayor of the city of Brooklyn, have the right of fixing what compensation shall be paid? A. Yes, sir.

Q. The health officer has only the power of appointing and dismissing, but you have the power of fixing the salaries? A. Those salaries were fixed by the board who preceeded us; they were fixed, I think, in 1871; those salaries still remain; there never has been any change, so far as those rates were fixed; I may say that, previous to that time, the salaries were, of course, fixed by the commissioners of quarantine and in the supply bill of 1870, for what purpose I know not, the two mayors were added; when the construction board was taken away from us in 1873, this entire construction board, which consisted of the three commissioners of quarantine, and the two mayors, was wiped out by Mr. Wood, of the senate, and the entire power transferred to the health officer, which, I may say, never would have been done if the president of the board had not overslept himself two hours in Albany.

Q. Do those gentlemen, the mayor of the city of New York, the mayor of the city of Brooklyn and the president of the board of aldermen of the city of New York, at any time participate in the deliberations of your board? A. No, sir; there never has been any question to call them together about, except during a short time in 1873, until this act was repealed; I was appointed, I think, on February 13; Mr. Steers was appointed on March 12; the construction board was taken away from us in the appropriation bill, perhaps in the middle of April, somewhere in that time; we called them together soon after we were appointed for the purpose of reducing expenses; they were never called but once, because, very soon afterward, the power was transferred.

Q. But they still have the power of fixing this compensation, have they not? A. In alluding to that matter before, I stated they were all wiped out as far as the construction board was concerned; there were no further duties devolved on the mayors of the two cities except in the fixing of the salaries, and that schedule has remained.

Q. At any of the meetings of the commissioners of quarantine, has any effort been made to reduce the salaries of the employees? A. The matter has been alluded to at different times, and the feasibility of calling this board together has been mentioned; I have spoken of it myself once or twice, and it has been decided that it was not best to call this board together; this scale of rates was fixed; Dr. Vanderpoel, the health officer, had made no request to have the scale of rates reduced, and it was decided best to let them continue as they were; I may say here that while, perhaps, the wages of the quarantine department are on a generous scale, it is eminently just that men who hazard their lives in the quarantine service should be paid generously; while there has been this year, no cholera, and no yellow fever, both of those diseases were threatened at one time, and men

who are employed in quarantine take their chances of these sicknesses; my associate says there has been yellow fever; there have been several cases, but nothing of an epidemic character.

Q. In your judgment, are not some of the employees of the commission paid too much for their services? A. No, sir; I don't think that they are; I would base my statement on the fact that the health officer, for example, pays a salary, I think, of $7,500 a year to his assistant; the executive officer, Dr. Mosher, who has really been the health officer, under different *regimes*, for years past; he receives that salary, and the men employed in quarantine, in comparison with those rates, are not remunerated any too generously.

Q. In making up your estimate that you would be able to return to the state $10,000, over and above all expenses, if permitted to collect the fees and charges of the health officer, do you, in that estimate, include a reduction of the salaries paid to any officials connected with quarantine? A. No, sir.

Q. You do not? A. No, sir; under the law as it reads now, the health officer is empowered to employ and dismiss at pleasure all the employees at quarantine: place back the power, which has been taken from the commissioners of quarantine and we should reduce the number of employees, as we endeavored to do some weeks since, by resolution.

Q. In what direction did that resolution tend—the reduction of what force, or of what employees? A. I have the resolution with me; on November 1st, the following resolution was passed by the commissioners of quarantine:

"*Resolved*, That in view of our appropriations running short, the following names be stricken from the pay-rolls on November 5th"—it goes on with certain names—"and a copy of the foregoing be furnished to the health officer."

Q. What were the positions held by those? A. One was Dr. John McCartney, discharged, who was the boarding officer in the lower bay on the steamer *Illinois* the boarding steamer for vessels from foreign ports.

Q. What was his salary? A. The boarding officer, John McCartney's, salary was $220 a month.

Q. What other reduction was sought to be effected by that? A. In laying up the *Nelson K. Hopkins* it was necessary to have the captain remain with the boat; that was our idea, to reduce his pay to $50 a month until the boat should be put in actual service again.

Q. Would that be the only expense of the steamboat during the time she was laid up? A. It was our idea also to have a reduction

made in the salary of Jessie Conklin, who was ship-keeper, and also that he should do the work of the engineer; I will have prepared for you if you desire it, at a later hour, an exact statement of the reduction.

Q. Yes, we would like to have it; why was it deemed necessary to dispense with the services of Dr. McCartney? A. Because the *Illinois* the boarding steamer of vessels from foreign ports, was to be laid up virtually at that time.

Q. I understand you to say that the *Illinois* is not used during the winter months? A. No, sir, not for the purpose of boarding?

By Mr. ALVORD:

Q. Did I understand you to say he had been discharged? A. We sent this in the shape of a resolution; you will understand that the change made in the supply bill provides that the doctor can discharge these men at pleasure, and our object in passing this resolution was to show our purpose of reduction, what we thought should be done in the premises.

Q. It was in the nature of an advisory resolution calling attention to the fact that the appropriation was running short and suggesting the advisability of removing? A. The doctor, in his reply to this communication of the board, I think, misunderstood us in supposing that we intended to exercise supreme power in the matter.

Q. If you were to call together, this commission appointed by the act of 1870, you would have the power, if you deemed it advisable and to the best interest of the state, to reduce the salary to nothing, could you not? A. Understand that the doctor has the power of employing or discharging.

Q. You could so arrange it that no expenditure for him could be made; you could reduce the salary to a nominal sum, thereby compelling him to vacate the office? [Not answered.]

By Mr. SCHUYLER:

Q. While he has the appointing and discharging, you have the power of this board of fixing the salary? A. Well, let me say it is a pretty nice distinction; the law is made so that the doctor has the power of employing and discharging; it is a question whether, if this scale of prices remained as they were fixed?

By Mr. ALVORD:

Q. Is there any difficulty whatever in your saying, so far as regards the employee upon the *Illinois* is concerned, that he shall receive such a salary per month during the time the boat is absolutely used, and no

salary whatever during the time it aint? Is there any difficulty in your saying that? A. No, sir.

By Mr. WAEHNER:

Q. You have the power, under the law, of doing so, together with the officials that are mentioned, the mayor of New York, the mayor of the city of Brooklyn, and the president of the board of aldermen? A. Yes, sir.

By Mr. ALVORD:

Q. You have, in the first place, the absolute power to fix the exact amount that shall be paid to any employee that Dr. Vanderpoel has, and you have, unquestionably, the power to say that for certain months of the year he shall receive a salary, and for certain months of the year he shall not, under the law, in conjunction with these people, the mayors of the two cities and the president of the board of aldermen, and the health officer, if you can get a majority of these to say that that is the law, is it not? A. I think, Mr. Alvord, as long as the power of employing or dismissing men rests with the health officer that there is, to a certain extent, a contradiction in the law.

Mr. WAEHNER—The law says, in so many words, the compensation and charges for services of all persons so selected and licensed shall be fixed and determined by the said commissioners in conjunction with the health officer, the mayor of the city of New York, the mayor of the city of Brooklyn, and the president of the board of aldermen; you may reduce the salary of any person selected or appointed by the health officer, to a mere nominal sum.

Mr. GEDNEY—Does not the entire idea of authorizing the health officer to do such and such things, and another board to act in conjunction, to some extent suppose a reasonable amount for such services.

Mr. ALVORD—No, that has nothing to do with the question at all; there is no difficulty, if they will go to work to act within the purview of the law, in their having the entire control of the question of compensation.

THE WITNESS—You also lose sight of the fact, Governor Alvord, that this construction board, in which these mayors were brought in (and, as I said before, for what purpose they were associated, I know not), when they were wiped out entirely, it were, to a certain extent, removed from quarantine, and this matter lay a good deal in the judgment of the health officer.

By Mr. ALVORD:

Q. I asked you a question some time ago, that you didn't answer I thought I heard you say that Dr. McCartney had been discharged? A. No, sir.

Q. He has not been discharged? A. No, sir.

Q. I asked you the question whether he had been discharged? A. No, sir; he was not discharged.

By Mr. WAEHNER:

Q. Is there any question now existing between the commissioners of quarantine and the health officer, in relation to the expenses in running the quarantine department? A. Yes, sir; there is.

Q. Will you state what it is, and out of what it grows? A. Do you desire me to make a detailed statement of it?

Q. Certainly. A. In the supply bills of previous years, there is a clause which says, that from the appropriation, the commissioners of quarantine shall therefrom, as I think the clause reads, pay the running expenses of a steamer for boarding purposes; that is, the expenses of the *Fenton*; it was a question between the commissioners and the health officer, as to what time the dropping—I may say that, in the supply bill of this year that was passed, this clause was dropped out entirely, implying that from the fact that it had been mentioned before, and was dropped out this year, that the health officer should pay the expenses himself of this steamer; it was then a question as to when that took effect, whether it took effect with the appropriation, or whether it took effect from the signing of the supply bill; I was dispatched to Albany; the health officer was of the opinion that it took effect from the signing of the supply bill; that is, I think, it was to the latter part of May, that the commissioners of quarantine should pay the running expenses of the *Fenton*, that is for their employees and coal and other expenses; I proceeded to Albany on a resolution of the board; we first, as a board, took advice of counsel in New York as to what should be done; the advice given us was to proceed to Albany and consult with the attorney-general; I waited upon Mr. Fairchild and he stated that he didn't think it was a question which came within his jurisdiction; I requested him to put his statements in writing, which he did, and I brought that back; I may state that in previous years when the appropriation ran short it had been customary for the commissioners of quarantine to secure funds in order to pay the employees up till the supply bill was signed for the first part of the year, and then this amount was reimbursed, Dr. Vanderpoel loaned to the commissioners, as an act of charity, some $4,000 to pay the running expenses due to these men, who had families, up to the time that the supply bill should be signed, and we should receive our fund, and it was then a question with us, whether, as I stated before, this clause, or rather the absence of the clause in the supply bill, should take effect from the commencement of the year, or

from the expiration of the appropriation, or whether it should take effect from the supply bill, and in order to take the right course in the matter and be in the right, I consulted with the attorney-general, and he wrote this letter, and reduced his statements to writing; I brought them down and they were forwarded to the health officer; he has taken the ground that the state should pay up to the time of the signing of the supply bill, and also should pay the other expenses of the steamer

By Mr. VOSBURG:

Q. The commissioners have not paid the running expenses before the supply bill was signed, out of the money that was appropriated this year for running the *Fenton?* A. I don't quite get your question.

Mr. VOSBURG — The money was advanced by Dr. Vanderpoel; I don't see what authority he had to advance the money unless he took his own individual responsibility for that, and to go to the state to get that money back in the deficiency bill; the commissioners have no right to pay any back pay for the running of the steamboat.

By Mr. ALVORD:

Q. Where was your appropriation? A. It was in the supply bill.

Q. Are you not aware of the fact that the appropriation bill is an appropriation commencing on the fiscal year, on the 1st of October of each year? A. Yes, sir.

Q. Are you not aware the supply bill is a deficiency bill to take care of the want of the general appropriation? A. That I suppose is so.

Q. Are you not also aware of the fact that a law which, either by intendment or directly, abrogates another law does not not take effect nor is retroactive in its action one single moment before it passes? A. Yes, sir.

Q. Then, if under the supply bills and the laws as they existed Dr. Vanderpoel, or anybody else, was entitled to be paid by the state for the running expenses of the *Fenton*, could you by any possibility doubt the fact that these expenses were to be paid up to the moment that the law, either by intendment or by direct action, was obliterated? A. Yes, sir.

Q. Then was he not right in claiming that the running expenses of the *Fenton* should be paid? A. I say we have a doubt; understand that the appropriation of the previous year was exhausted, and that this was an appropriation for this year.

Mr. ALVORD.— This was a deficiency bill; it is not an appropriation, it is a deficiency bill; the appropriation bill is a regular appropriation

which comes on the fiscal year, October of each year; the supply bill is a deficiency bill to take care of the wants of the appropriation bill; that is all there is about that; the supply bill is a deficiency bill.

By Mr. VOSBURG:

Q. Have the quarantine commissioners any right or authority to borrow any money, or to accept a loan? A. I would state that this was done as it was done by the health officer, and by the president of the board, as an act of charity, and under the supposition that this supply bill would be the same as it was the previous year; my understanding of the matter is, that if there was no appropriation for this purpose the health officer would pay those expenses the same as before 1870; there is also another question in regard to the paying of the expenses of repairs of the *Fenton;* the health officer has incurred considerable expense in the repairing of the *Fenton*, and it is a question with us whether the quarantine department should pay for these repairs at the present time, as they go on; as the doctor now pays for the men on the boat and for the coal, whether he shall not also pay for the repairs of the boat; I would simply say that the commissioners have no wish or desire in the matter.

By Mr. ALVORD:

Q. Who does the boat belong to? A. The boat belongs to the state.

Q. I think that is the answer to your question? A. So far as I am individually concerned, I should have been desirous of paying the health officer right up to the time of the signing of the supply bill, the expenses of this boat, because he undoubtedly supposed, as we did, that the supply bill would be the same as it was the previous year; we endeavored to have the attorney-general settle this matter, and on his decision we were prepared to pay these bills, but the question has not been settled, and those bills remain unpaid.

Q. Did the attorney-general suggest a mode of settlement? A. Yes, sir; I will read you his letter. [The letter of the attorney-general, which he reduced to writing, reads:]

"The question, which you this morning asked me to give an opinion about, was one as to which I think it would be well for you to get the decision of the general term of the supreme court, by an agreed case, if it can be done. It is not within my province to decide such claims, and I do not desire to give opinions upon doubtful official questions, and my duties do not require that I should.

"Very respectfully,

"CHARLES S. FAIRCHILD."

Q. It was simply referring you to another tribunal to decide a question which he ought to have decided? A. I think that the health officer was perfectly honest in his view of the case; and, so far as the commissioners were concerned, we had no desire in the matter, and have none to-day; if we should consult our individual inclination, I think we would have paid the whole sum right over to the doctor; I certainly should, except that we desired to be right on this disputed question; it is a question which the attorney-general said himself he could not decide; inasmuch as the attorney-general has not settled this question, I, for one — I cannot speak for my associates, but I am willing that this whole question should rest with the committee; there are lawyers in this committee, and if it is the opinion of this committee that my view of the case is a correct one, I think I can say for my associates that we will pay the whole thing at once.

Q. Are there any matters of difference between the commissioners and the health officer in relation to the expense of quarantine? A. Before leaving this question, if you will allow me to say it, it would be a matter of great satisfaction to us to have this committee, as an appellate board, settle that question.

Mr. SCHUYLER — We are not appointed for that purpose.

Mr. ALVORD — We cannot settle it.

THE WITNESS — As a question of difference between us and the health office, it is the only one, I may say, that has arisen: during our three years our relations have been very pleasant; and, with this exception, they are pleasant to-day, and it would be a source of a great deal of satisfaction to me to have the matter adjusted; I would like to see it decided in favor of the health officer, because my opinion, personally, is that the health officer ought to be paid that.

By Mr. ALVORD:

Q. What is the amount in controversy? A. Involved in this question is the matter of paying the running expenses of the boat now — that is, the repairs on the boat: the bills are in the neighborhood of $900.

By Mr. WAEHNER:

Q. Are there any other questions in dispute between the commissioners of quarantine and the health officer in relation to the expenses of quarantine? A. There is a little bill, a matter of $300; General McQuade authorizes the bills, and that bill was incurred without his having authorized and audited it: a bill of expenses connected with the boarding station to some extent; that is, perhaps, simply a matter of detail more than any thing else; the question is whether we shall pay that bill or not; that is the only difference.

By Mr. SCHUYLER:

Q. Those are the only differences? A. Yes, sir; everything has been perfectly harmonious.

By Mr. WAEHNER:

Q. You say the relations of the commissioners of quarantine with the health officer are harmonious? A. Entirely, except that we have always felt that this power that was taken away ought to be put back again in the organic law.

Q. Are there any suggestions or recommendations which, with your experience as a commissioner of quarantine, you can make to this committee to be recommended to the legislature to improve the quarantine laws; are there any burdens upon merchants and business men that ought to be relieved and taken off; if there are any burdens upon the business community, or in relation to the economy of the administration of the board, and the health officer's department—any explanation in regard to those two branches that you desire to make, the committee are willing to take them? A. No, sir; I consider the merchants of New York have been not only very well satisfied but highly gratified with the administration of quarantine, from the fact that the Shipowners' Association has, on several occasions, indorsed the health officer very strongly; also, by a resolution they have very strongly indorsed the commissioners of quarantine, which the commissioners forwarded to the legislature; there is an allusion, I understand, in the papers this morning, made by the health officer in regard to the *Hopkins*, that it was a larger boat than was required; the commissioners have talked this matter over among themselves, and I think they are of the same opinion as the doctor, that the boat is perhaps larger than the necessity of the case requires; there is this to be taken into consideration, however, that in previous years at one time there were sixteen ships with cholera here on board; that the entire establishment of quarantine, the construction of the two islands, and, indeed, everything appertaining to quarantine, was built on this enlarged scale from the standpoint of that time, when, as far as we could judge, or as far as the gentlemen who laid the foundations for this extensive quarantine could judge, we should still have cholera here as heretofore; but I believe that under present management the disease has been cut down as it never has been before, and that cholera is so well understood now, the importance of attending to sanitary matters is so much better understood, that there is no danger particularly of cholera threatening the city, or of their being such extensive sickness as has been in previous years; Hoffman Island, which was built for passengers who were well, coming over on vessels that were infected, is

not in use, and perhaps if we knew that there was going to be no more sickness during years to come than there has been during the past two or three years, that island could be sold; Dr. Swinburne, the previous health officer, in his testimony before the investigating committee of 1873 (a senate committee which was headed by Senator Wood), stated, I think, that an offer had been made to the quarantine officials some time in previous years of $200,000 bonus for that island; the island now, while it has been constructed at vast expense, is of no particular use, and if, as I say, there never was going to be any more sickness, that it could be dispensed with; I think those are the health officer's views, but it was constructed as a precautionary matter; if next season there should be a terrible epidemic of cholera, the Hoffman Island buildings would be full of people.

By Mr. ALVORD:

Q. I understand you, from what you have said within the last few moments, to come to this simple conclusion, that, if the experience since the time when these large appropriations were made, and these large expenditures were necessary, if that experience which has since been obtained was had at that time, the probabilities are that those expenditures to a very large extent would have been reduced? A. Yes, sir; I think so; years ago there was a prevailing impression that there had been a large amount of money misappropriated by our predecessors, that money which had been appropriated by the legislature under the previous administration had not been wisely expended, bu during our experience we have discovered nothing—

Q. That was not the question I asked; the question I asked was whether or no, without any question in regard to the amount of the expenditure being beyond the necessities, that were apparent at that time, that the present sanitary condition of the port of New York, and under the administration of the present health officer, it has been such that that experience, would not have called for these expenditures, even if they had been judiciously expended; in other words, quarantine would have cost vastly less money? A. I don't think, sir, that if the department had the construction of those islands they would have built Hoffman Island.

Q. In other words there would be no necessity for it? A. I would have had a place of detention at Seguin's Point, or at the Great Kills. to which passengers could be taken; still I am not a medical man.

Q. A little while ago in your testimony you spoke about the health officer's perquisites in 1870, and about his duties of taking care of all these questions of quarantine; at that time, I want to know whether or no it was or was not a fact that he had the entire control

of the stevedoring, the lightering and the transportation of passenger's baggage, both well and sick—the entire control and management under his power, by way of contract and otherwise? A. That was the case, yes, sir.

Q. Was it not a very large and great source of revenue to the health officer prior to 1872, the time that the present health officer was appointed — was not that a very large source of revenue to the health officer; did not common report say so, if you don't know any thing else? A. What I judge from, to a certain extent, was the contract made in 1870 with the New York and Steamboat Lighterage Co., which was made by the health officer, that they were to do all the lightering and steamboating, and they were to pay quite a large bonus — I think they paid $25,000 bonus.

Q. Who was the health officer at that time? A. It was Dr. Vanderpoel's predecessor, Dr. Carnochan.

Q. And the Lighterage Co. paid to the health officer $25,000 bonus; did not the health officer at that time also have the entire control of the transportation of passengers from vessels that were detained in the lower bay up to this city? A. You will understand that that was previous to our administration; I simply know that as hearsay; I think that was the case.

Q. I am only asking you, of course, as general information. A. And what is a matter of great satisfaction to-day is, that that is thrown open.

Q. Was that not generally understood to be the fact, that a large amount of money was received by the health officer for the transportation of passengers — of well passengers from vessels detained in the lower bay? A. That was the common belief.

Q. Was it not also the common belief, and did not the investigations of 1872 and 1873 show, that a very large amount of money was also received for the transportation of passengers, by the health officer, who were sick, up to Ward's Island? A. I believe that was the general belief.

Q. Was it not the belief, and was it not in testimony and proof before you in 1872, and the other committee in 1873 ——? A. In 1873, I came in.

Q. Was it not the belief that a very large annual amount of money was received by the health officer, in addition to his regular legitimate fees, which you have spoken of, from these three sources of revenue, the transportation of passengers, the entire control and management of the stevedoring arrangement, and the entire power to remove to Ward's Island all the sick? A. That was the general belief.

Q. Do you recollect what the public estimate was, or have you any private means of knowing the estimate of the annual value of those perquisites which were, up to that time, under the laws as they existed then, controlled by the health officer? A. The only particular item I

recall was in 1871, that the vaccination amounted to $18,000, and that Mr. White, I think, made a statement that they were to pay a large bonus every year for the privilege of having a monopoly of all this business; what it amounted to I don't know.

Q. Have you any approximate idea; did it amount to $100,000 a year? A. No, sir; I think it was very much exaggerated.

Q. How much did it amount to? A. I have been told of an estimate that the fees of a health officer amounted in previous years to over $100,000.

Q. Over $100,000 a year; has that not all been done away with in the present health officer? A. All this lighterage has been thrown open to competition.

Q. How is it in regard to transportation? A. As far as the transportation is concerned, I think there was paid in the last year about $1,800 to the state. The state has now what is gained by the transportation.

Q. Has Dr. Vanderpoel had any portion of that during his term of office? A. I don't think he has; no, sir.

Q. Either the passengers to New York from vessels in the lower bay, or of the sick to Ward's Island — has he had either of them? A. No, sir: I don't think that he has; I suppose now that, inasmuch as the doctor runs the *Trenton* himself, that what he earns with the boat he would probably claim as his own.

Q. The general idea I am after; now, do you know of any perquisites, or of any emoluments to Dr. Vanderpoel outside of what are the legitimate fees of his office, as established by law, leaving out those questions that you have spoken about in regard to the maintenance of the boats outside; I am talking of the fees that he received? A. You allude to vaccination and fumigation?

Q. Outside of his legitimate fees, is there any thing else that he takes as health officer to-day? A. I don't think there is; no, sir.

Q. Not any? A. I don't think there is.

Q. Now, I want to ask you two or three more questions: this whole question of quarantine is a question of mooted jurisdiction between the United States and the state of New York, is it not? A. Yes, sir.

Q. And there are very many legal questions which are now in litigation, are there not? A. To some extent; yes sir.

Q. Has that not been the received opinion of the lawyers whom you consulted, and all the advice you have received in regard to that matter, that the state of New York cannot place an absolute tax upon commerce by a direct application of moneys to that purpose, or tax for that purpose, and that it can only be done in the way of the health officer receiving fees as a health officer? A. I never have consulted with any legal authorities in regard to that matter; the question sim-

ply, as it revolves itself in my mind, is reduced to this, if the state can enact a law that $6.50 shall be paid the health officer from vessels from foreign ports, and $1.50 to $3 for coastwise vessels, why can it not on the same ground be enacted that these fees shall be paid to the fiscal officers, the commissioners of quarantine?

Q. Is that not a mooted legal question, and is it not the opinion of lawyers, that while the state may employ an officer to protect its health, and to take care of its interest in that way, who shall receive a fee therefor, the state cannot erect itself into that officer, and receive the fees into their coffers? A. I don't know as to that; this question never has come up at all for our consideration; while we have talked the matter over as commissioners, as to what might be done, the question never has been raised, and never has been alluded to, and never would have been until to-day, except—

Q Are you not aware of the fact to-day that there is a suit pending between the state of New York and the United States of America as to the right of the state of New York to exact head-money? A. I know that there has been some question of that kind.

Q. Don't you know it is pending in the courts? A. I know the general government is endeavoring to take possession of all of the quarantine ports of the country.

Q. Now, providing that we have the right and the power to control this whole quarantine matter, and to control it in a way and in a shape that we shall make those whom we protect ourselves against pay the expenses — in other words, to keep the state from paying any portion of the expenses — have you any doubt in regard to the fact that a unification of the powers will be vastly more economical than a distribution of the powers under the present arrangement; that a unification of the powers in the health officer in a board of commissioners, I don't care which; a unification of the powers and of the entire control, without the necessity of any board acting conjointly and consequently opposed to each other; that a unification of the powers is not the best way to manage it; in other words, if it was in the hands of a commission of quarantine, or was in the hands of a health officer; if the commission of quarantine would have it, that the health officer is simply in the employ of it, and if the health officer has it, that he has no commission of quarantine over him, but he does the whole work; is that not the most economical way to do it? A. Well, I might answer that question by saying that I think the sanitary and financial departments of quarantine should be kept entirely separate; the administration of the present health officer is not a safe criterion to judge from for all future. We, to-day, have a health officer who is perfectly satisfactory to the merchants of New York. The merchants say that previous administrations have not been satisfactory to them;

that is to say, that if all of the sanitary and financial powers should be vested in the hands of the health officer, if he should be disposed to be avaricious, all of those evils which followed 1870, when those powers were taken away from the quarantine commissioners might be brought back on the merchants again; you will remember that these things were done after this power was taken away.

Q. Leaving out the question of finance on one side, and executive duties on the other, is it not your opinion that any great establishment like quarantine should be simplified just as much as possible under the direction of just as few individuals, if not one, as you could possibly get along with? A. I should answer that by saying, no, sir; not under one man, because this vast power is to be exercised.

By Mr. VOSBURG:

Q. You stated in your testimony that Dr. McCartney was paid by the commissioners out of the appropriations of the state, I believe. By what authority have the commissioners paid Dr. McCartney? A. That question was raised; when we assumed our duties as commissioners of quarantine, we found that this officer was paid, and the question was raised as to the right of paying Dr. McCartney, and on consultation with the assistant health officer, it was stated that a special clause had been passed providing for his payment; at the same time, in this clause, it was provided that the doctor should be his superior over him; I think I can turn to that clause.

By Mr. ALVORD:

Q. Then he was paid under an act of the legislature, requiring him to be paid? A. Yes, sir.

By Mr. WAEHNER:

Q. Find that clause, please? A. It is a question we have discussed several times. [Reading.] "Said commissioners may appoint a physician for said hospital."

By Mr. VOSBURG:

Q. He is the physician of a floating hospital? A. Yes, sir.

Q. In the report of the health officer for 1875, I see he reiterates his expression of the integrity of Dr. Mosher and Drs. Thompson and McCartney, his deputies, and recognizes them as his deputies? A. We have spoken of that matter before in conversation — the commissioners have — and we are of opinion that the doctor stated that in an informal manner, alluding to him (McCartney) as he would to his other assistants under him.

By Mr. WAEHNER:

Q. Under the act of 1870, I should infer that the legislature took the power away from the commissioners of quarantine to appoint this officer, and gave it to the health officer of the port, or is he still appointed by the commissioners of quarantine? A. No, sir; I was going on to observe that in discussing that point, as to whether we should pay this physician to the hospital. if there was any doubt in regard to it, it would be settled by this clause in the supply bill of 1870, which says: "To enable the health officer, etc., all the said employees, as well as all persons required by law, shall be selected and licensed, and they shall be dismissed by him," that he was employed and dismissed by him as one of the employees.

By Mr. VOSBURG:

Q. But still he is paid by the commissioners of quarantine out of the appropriations of the state? A. Yes, sir.

Q. And he performs the entire duties of the health officer as a subordinate of the health officer; that is, he is the boarding officer and claims the fees of the health officer? A. Yes, sir.

Q. He is the regular boarding officer? A. The fees are collected of all foreign vessels at the custom-house, and coastwise fees are collected by his assistants.

Q. He (McCartney) performs the duties of the health officer, for which the health officer gets the fees, and the state has to pay him for his services as health officer, performing the duties of the health officer? A. You can hardly say he is the health officer, because he is stationed at the *Illinois* in the same way that Major Colville is situated at Dix Island; the deputies that the doctor employs are Dr. Mosher and Dr. Thompson, who reside at the station with him.

By Mr. WAEHNER:

Q. There are only two deputies allowed by law? A. He can have all the deputies he wants, he can employ a dozen if he pays them; he pays these two deputies himself.

By Mr. VOSBURG:

Q. You stated in your testimony that the receipts of the health officer in 1871, I think, for dues of boarding foreign vessels, at the rate of $6.50, amounted to $34,000 for that year; have you any idea what the other fees of the health officer for vaccination and fumigation, etc., amounted to that year? A. I stated, and, in fact, I recall it as a fact that that was mentioned and brought out, I think, by examining the records at the custom-house.

Q. And Dr. Vanderpoel stated here yesterday that his receipts from that source were, during the summer months, from $2,500 to $3,000 a month, and from $1,500 to $2,000 a month during the winter months? A. The receipts from vaccination depend a great deal on the amount of emigration. The emigration has fallen off during the last two or three years, which would make a difference in the receipts from vaccination.

Q. Have you any idea from information what the fees from vaccination and fumigation have been? A. No, sir.

Q. Can you tell what the indebtedness of the quarantine board was before the supply bill was passed? A. I may state preliminarily to answering that question, that under the present regime (the way the commissioners of quarantine conduct affairs to-day) that no bill is incurred except it is ordered by Commissioner McQuade; on the opening of the session a resolution was passed by the board, and served on the superintendent and on the health officer, to the effect that no bills would be paid without being expressly ordered by the board; now, whatever is ordered has to be obtained on a requisition from Commissioner McQuade, and the bills are then presented to me and they are brought for consideration before the board, and if they are just bills we pass on them and they are paid; prior to that time Major Colville, who is superintendent at quarantine, together with the health officer used to incur bills.

Q. By what authority? A. By the authority of this board; Superintendent Colville made purchases, and before we took any action on the bills we had to have a certification from the doctor that they were correct; in that way sometimes bills would come in large bills that would have to be paid by the board, or bills would have to lie over; after the appropriation of last year was expended, there was some $1,700 left; from January there were a good many bills that were incurred, and also the money that had been advanced for meeting the salaries of these men who had families, and it amounted to quite a large sum.

Q. Any bills due on the 1st of January? A. There were some bills that were not presented; in closing up our accounts for the year we endeavored to meet all the bills up to that time, as long as the money lasted; perhaps there were $10,000 or $15,000 of bills when we had got our appropriation; there may have been $20,000; I could not tell now, without looking over the books, that had been incurred, and of course we met those bills.

By Mr. ALVORD:

Q. Incurred after the exhaustion of your appropriation of 1874? A. Yes, sir.

Q. Your fiscal year ended the 1st of January, or the 31st of December? A. That is the question we were talking of before, as to what a fiscal year is; the legislature, in the act of quarantine, the organic act, stipulates that we must make a report to the legislature every year, and, of course, we have made two reports; the first year we put in one on January 1st, and the second, I think, on January 22d; we held the last back for some consideration.

By Mr. VOSBURG:

Q. Have you any authority to incur any indebtedness if your appropriation is exhausted? A. I don't think we have; no, sir; the board does as other boards do, assume authority to do so: I would like to see that question settled, from the fact that this matter we alluded to may occur again: the legislature next year may not make any appropriations; there are certain men down there who have got to be retained, and it is an act of charity to pay them; suppose we, as commissioners, should pay their wages, and there should be no appropriation, is the state responsible?

Mr. ALVORD — It is responsible equitably beyond all question, and if it was an individual it would be responsible directly and legally; that is all there is about that; you cannot stop what is established by the law as a board; as a business matter you cannot stop it at all because the parties who are running the machine happen to be out of money at a certain particular time; indebtedness created from necessity must of necessity be paid, and it is only simply the fact that the state cannot be sued in a court, because of the fact that it is sovereign by its own people, that keeps it out of a suit, as an individual or corporation would be liable under like circumstances; that is all there is about that.

The WITNESS — I would like to state that in giving figures here, I give them from memory; I don't want them to be considered as the exact figures.

By Mr. WAEHNER:

Q. What is the system prevailing in quarantine at the present time in relation to charges on emigrants for patients in the hospital; who has that under his control? A. That has been under the control of Superintendent Colville; all the cases of sickness that are taken up to Dix Island are charged a dollar a day, from which twenty cents is deducted for the state.

Q. Do I understand that Major Colville uses the state property and receives in addition the sum of eighty cents to himself, for taking care of the patients that are put on Dix Island? A. The owners of a line

are charged that amount, one dollar a day, for the patient, and this eighty cents is considered a fair remuneration to the superintendent, who takes care of them and visits them.

Q. But it does not provide medical treatment for them? A. No, sir; the doctor provides medical treatment, free of charge.

Q. Who furnishes the medicine? A. Everything that is covered there is by the health officer to the superintendent.

Q. The medicine is furnished by the state, the medical care is furnished by the state, the keeping of the hospital is furnished by the state, and the superintendent receives eighty cents for each patient for doing what? A. For taking care of them and feeding them.

Q. Does he buy the supplies? A. Yes, sir.

Q. Is not that a large charge? A. No, sir; I don't think it is an unreasonable charge.

Q. Who furnishes the medicine? A. As I understand the case, the health officer furnishes them.

By Mr. WAEHNER:

Q. Who furnishes them, the officer? A. I think so.

By Mr. ALVORD:

Q. All the state furnishes is simply good outside accommodations of boarding, bed and bedding? A. That is my idea of the case.

Q. And that the eighty cents which is received by the superintendent is for the food supplied and the care and attendance upon the patients? A. Yes, sir.

Q. And the twenty cents is *quasi* rent of the state for the use of this property? A. In a period like this it does not amount to much.

By Mr. SCHUYLER:

Q. The state furnishes the nurses? A. The employees of the department.

By Mr. ALVORD:

Q. Bed and bedding and boarding is furnished by the state, and for that they get this twenty cents? A. Yes, sir.

D. R. Norvell a witness, being duly sworn, testifies:

By Mr. WAEHNER:

Q. You are secretary of the Shipowners' Association of this port, are you not? A. Yes, sir.

Q. And conversant with quarantine law, and the regulations of quarantine, I presume? A. Yes, sir.

Q. And conversant, also, with the interests of business men and merchants at this port? A. Yes, sir; that is what the association is for, to protect their interests.

Q. Will you state, from your experience in your capacity of secretary of that association, whether that association has any complaints, at the present time, either as far as the administration of the health officer of quarantine is concerned, or as against the laws relating to that establishment? A. As far as the present health officer is concerned, Dr. Vanderpoel, there never has been any complaint since he first took the office, or any cause of complaint: as far as the law is concerned that is now in vogue, there is great complaint against it; it is open to all sorts of abuses in the hands of a bad man, and the same law is in vogue now that was in vogue under Dr. Swinburne and Dr. Carnochan.

Q. The act of 1875? A. Take the act of 1863, section 9, in describing what vessels shall be subjected to quarantine, it says: "Between the 1st day of April and the 1st day of November, they shall remain at quarantine for, at least, thirty days after their arrival, and for at least twenty days after their cargo shall have been discharged, and shall perform such and further quarantine as the quarantine commissioners may prescribe, unless the health officer, with the approval of the quarantine commissioners, shall sooner grant a permit for said vessels or cargo, or both, to proceed;" it first says thirty days after the arrival, then twenty days after the cargo is discharged, an indefinite number of days afterwards.

By Mr. ALVORD:

Q. The first thirty and the next twenty are imperative? A. Yes, sir; if they choose to exact it.

Q. Is that in their discretion? A. Yes, sir; there are fifty days, and as many more as they choose.

By Mr. WAEHNER:

Q. What recommendation would you choose to make in regard to that matter? A. The interest of the merchants of New York, at the present time, is and was so discussed in the association, that with the assistance of Dr. Vanderpoel the law should be drawn as the quarantine is now administered.

Q. That is to say, the administration, in fact, of quarantine under Dr. Vanderpoel's administration, should be incorporated as part of the law? A. Yes, sir; the administration of Dr. Vanderpoel, when he first came into office he met the merchants, and got their idea how quarantine should be conducted, what would be best for their interests, and stated there what he would do, and he has done as he agreed to do since he first came into office.

Q. What arrangements have the merchants of this city with Dr. Vanderpoel in relation to fees for services — any? A. Yes, sir; as far as the fees for boarding vessels are concerned, they are fixed by law; the other fees are for fumigation; he charges for schooners $3, barks and brigs $5, ships $10, and steamers, where there are over 300 passengers, between the 1st of April and the 1st of November, $50, for fumigation; those fees were agreed upon by members of the steamship companies and the shipowners.

Q. Those charges are made upon all vessels coming from south of Cape Henlopen? A. Yes, sir; they are made on all European steamers, and from all infected ports, Mediterranean, Liverpool, London, and all the continental ports; during the summer months it is imperative that they should be fumigated once; all vessels arriving from the West Indies, and Rio Janeiro, and the South American ports, are fumigated in the lower bay; they are then permitted to come up to upper quarantine; if the doctor decides that they shall discharge the crew in quarantine, we are allowed the privilege of sending any lighterman, stovedore, cooper, or any person we want on board to remain and perform the quarantine until she has discharged, and then again fumigated and allowed to come to the city, or we can discharge our crew; and sometimes when there has been no death, either from the port whence she sailed, or during the voyage, he will allow the crew to come to the city.

Q. Who generally does the boarding of vessels —— the fumigation? A. Dr. Mosher and Dr. Thompson.

Q. What are the duties of Dr. McCarthy? A. From the 1st of April to the 1st of November, he is the boarding officer, with the same authority to board and grant *pratique* in the lower bay that the others have in the upper; he boards vessels and stops them in the lower anchorage, and the hatcher are taken off, and the cabin and hold fumigated as far as they can get to it, and he reports them then to the physician in the upper bay; she remains not over forty-eight hours, and then she is brought to town; if she is perfectly free from disease, she is allowed to come to town, but if she has come from a port that is infected, or has lost any of the crew on the voyage, it is an understood thing she shall discharge in the upper quarantine.

Q. There is no delay in the discharge of the cargoes over forty-eight hours? A. No, sir; as a general rule it does not amount to that.

Q. And in regard to the passengers and crew? A. Instantly, unless there is a case of sickness on board at the time, and then the sick person is removed to Dix Island, and then the vessel is fumigated and admitted into upper quarantine, and the crew must remain until she is discharged.

Q. How long does that last? A. That depends on ourselves after she gets here; it is our fault if there is any delay; we are allowed to discharge at once; the cargoes that come here, say from the West Indies, there may be three or four consignees, and the one who has the greatest amount of cargo controls the store to which it shall go; they send the lightermen; we have nothing to do with that; that falls on the cargo, and we employ our own stevedores and keeper, and they remain in the bay all summer long; there are two or three of them, and we can make our own bargain in regard to the discharge of sugar for 18 to 40 cents, where it used to be from $1 to $1.50.

Q. Are there any other recommendations that the merchants of the city of New York would like to have incorporated in a legislative form, in relation to quarantine matters, besides those which you have given? A. There is the steam vessel in the 3d Article, section nine, on page nine of this law: "All vessels embraced in the foregoing provisions, which are navigated by steam, shall be subject only to such length of quarantine and regulations as the health officer shall enjoin, unless they shall have had on board during the voyage some case of quarantinable disease, in which case they shall be subject to such quarantine as the health officer and the quarantine commissioners shall prescribe;" I don't see what the quarantine commissioners have to do with quarantining a vessel.

Q. Has any cause for complaint arisen, in that respect? A. Under the old board there was great cause of complaint, and under the present one, none; there never has been a case happened under the gentlemen constituting the present commission, but that is the law, and the health officer has supreme power, and the quarantine commissioners, and you cannot object to it, and they can cut your vessel away from the dock, and send her to quarantine, and keep her there for a year, and there is no appeal from it; there ought to be some limit as to the time that a vessel should be quarantined.

By Mr. ALVORD:

Q. Have you fixed upon that limit yourselves? A. There is a committee, which has this matter in charge, which has invited Dr. Vanderpoel to meet them, and make some suggestions to the legislature in the shape of a bill that will be satisfactory to both sides, and he has some sanitary regulations drawn up, and they have some; he says a limit can be put to those things that will be satisfactory.

Mr. ALVORD — They ought to be given to us.

THE WITNESS — Yes, sir; I will look into it, and have it done.

By Mr. WAEHNER:

Q. Is there any general statement you would like to make in rela-

tion to quarantine matters? A. There are some in shape now, and as far as Dr. Vanderpoel goes, I will see him and put the two together.

By Mr. ALVORD:

Q. The only question that has been properly answered by the testimony, is that you complain of the present law, because of the impossibility of its administration by other than occupants of position in quarantine? A. Yes, sir; and we would like to have put into the law what amount of fees shall be charged for fumigation; although satisfied now, we are not safe; Dr. Vanderpoel can put it up to $100 if he likes, and there is no appeal from it, because he can charge such fees; the question was asked Mr. Judd, in regard to medicines; they are charged in the ship's bills.

By Mr. WAEHNER:

Q. In addition to the $1 paid? A. Yes, sir; they are charged in the bills, and under Dr. Swinburne, in the case of the steamer *Peruvian* which came here, the first and the last vessel of that line steamers, with 1,100 passengers, her bills were over $40,000; there were over 11,000 visits made to those patients, sick and well; about that, I would not state that positively, without producing a copy of the bill.

Q. That was given in evidence in 1872? A. No, sir; we could not find the bill that was given under Mr. Judd's investigation; it was introduced under Mr. Wood's investigation; she was charged $40,000 for quarantine before ever she got out of the lower bay, for sick and well patients.

Q. How do charges for fumigation at the present time, compare with former times? A. They are vastly reduced; there was no rule for it before; it was just what they chose to charge; the bill was rendered, and if we didn't pay it, we could stay there until we paid it; that is the answer we had.

Q. You don't think merchants would make any technical or legal objection to having fees for fumigation fixed? A. I think they would rather have them fixed by law, than be at the mercy of any one that comes into office.

By Mr. ALVORD:

Q. Would they be satisfied with the present fees, as you have arranged them? A. Among such a large class of men there are always some dissatisfied ones.

Q. But as to the majority? A. Yes, sir.

Q. They are satisfied with the fees arranged between yourselves and the health officer? A. Yes, sir; I think $50 for fumigating a steamer is a large charge, and there has been some dissatisfaction about it.

By Mr. WAEHNER:

Q. Have you heard of any causes of complaint as to the manner in which fumigation is done by the health officer of the port? A. Yes, sir; I know nothing of my own knowledge; I heard some death occurred through negligence; but it was a question whose fault it was; I heard of a case that was going on in regard to one of the National line of steamers, in which judgment was rendered against Mr. Hurst, and there was one in the Inman line of steamers, and Mr. Dale has appealed from the decision rendered against him.

Q. That appeal was decided in favor of the steamship company? A. There was one given against the National line.

Q. And one in favor of the Inman company? A. That has been rendered since I had a conversation with Mr. Dale; it was sometime last year he was speaking about it at the meeting.

By Mr. ALVORD:

Q. Was that the fault of the health officer, or the steamer? A. They generally take any old pots or pans that have been used on the voyage, and fill them with the ingredient, and put them all around the scupper-holes, and ventilators, and dark holes and corners, and it seems that some child drank the ingredient, and death ensued.

By Mr. WAEHNER:

Q. Two cases? A. Yes, sir, one on each steamer; the physician is supposed to put it around, but I think the blame should fall on the ship for not watching it; he generally lets that remain on board, and they let it remain on board until it reaches the city; the passengers all come on deck, and the health officer examines to see every man is out, and the purser makes a sworn statement as to the passengers, and the men are passed around and counted by the health officer and an another man.

Q. The result is that any inattention of that kind is attributed to the inattention of the steamship companies? A. I don't mean to say there is any negligence on the part of the health officer; he cannot watch thirty or forty places; during the winter months, with less than 300 passengers, there is no fumigation on the European steamers.

By Mr. ALVORD:

A. And none charged? A. No, sir; unless there is small-pox on board.

Q. Is that part of the agreement with Dr. Vanderpoel? A. No, sir; but it was a regulation, which he himself made, which is perfectly satisfactory to the merchants.

Q. How long is that for? A. From the 1st of December to along in April.

Q. That there is no charge for fumigation, unless there are over 300 passengers? A. Yes, sir; and not often he does it then; they don't incur the expense; they give him the benefit every time, and they have been very liberal to him.

Adjourned to Monday, November 15, 1875, at 11 o'clock.

NEW YORK, *November* 15, 1875.

The committee met pursuant to adjournment.

Present—Hon. GEORGE W. SCHUYLER, chairman *pro tem.*, and Messrs. ALVORD, GEDNEY and WAEHNER.

Dr. Vanderpoel sent to the committee the following memorandum, marked "Exhibit No. 1, November 15, 1875:"

BOARDING STATION.

Repairs to dock, residence, boat-house and sea-wall	$2,000
Supply of fresh water to boats and maintaining boilers, pipes, and machinery in order and repairs	1,200

DIX ISLAND.

Superintendent	$2,032
Engineer	1,200
Repairs to riprap building, crib work, dock, steam apparatus, plumbing, painting, glazing, roofing, cistern, and earth filling	10,000
	$13,232

HOFFMAN ISLAND.

Keeper	$1,000
Repairs to roof, glass, steamer apparatus, gas, crib work and dock	6,000
	$7,000

HOPKINS.

Boat-keeper and engineer to attend engine for supplying boats with water	$1,200
Repairs and painting	3,000

Docking and moving *Illinois*	$650
Keeper	720
Repairs and coal	1,000
Coal and water	100
	$2,470

FENTON.

Repairs	$2,500
Police	4,000

William L. B. Stears, a witness, being duly sworn, testifies:

By Mr. WAEHNER:

Q. You are at present one of the commissioners of quarantine? A. Yes, sir.

Q. And have been since when? A. March 15, 1873.

Q. Can you give the committee any suggestions derived from your experience, as a commissioner of quarantine, which would go towards economizing, if it is possible to economize, the quarantine arrangements? A. Yes, sir; I have an idea — one idea, one way, that if the commissioners of quarantine had restored to them the powers that have been gradually taken from them by legislation at Albany, influenced or instituted by former health officers, in so much as we might have the power of discharging or hiring the employees down the bay, that that would go a great ways towards economy.

Q. In your judgment, are there any persons now in the employ of the commissioners of quarantine appointed by the health officer, who are unnecessary or superfluous? A. Yes, and on November 1st, we introduced a resolution in the board — although we knew that we didn't have the power to discharge these people, we introduced a resolution in the board, recommending the health officer to discharge certain persons for the purpose, and in view — we stated in our resolution, in view of our appropriation running short.

Q. Can you give to the committee the amount of reduction that would have been effected, if that recommendation had been carried out in the expenses of the commission? A. I don't know that I can give the precise figures; it was considerable, however.

Q. Under the act of 1870, a special commission is created, consisting of the commissionners of quarantine, the president of the board of aldermen of the city of New York, and the mayors of the cities of New York and Brooklyn, who, when called together, have the power of fixing the compensation paid to the employees of the commission of quarantine; has that ever been attempted to be done? A. Yes, sir; we

passed a resolution in our board, I think on June the first, or about that time, to the effect that we would call that board together; we, however, sent to the health officer, and requested him to come up for consultation; he came up for consultation, and he recommended that we should not call that board together, stating that the salaries for employees had been fixed, I think, in 1870 or 1872; I can't tell exactly as to dates, but about that time, and although the commissioners were in favor of calling the board together, the health officer talked us out of it.

Q. That was the only reason, that as this scale of salaries had been fixed in 1870 or 1871, it should not now be disturbed. A. We didn't think that the salaries of these people were any more than enough to pay them; they ran a great deal of risk down the bay, and we didn't think for a moment that there was any man employed there that ought to have any less, and our object in calling the board together was not so much to reduce the salaries at the time, but simply to establish it by law again.

Q. Didn't the same reasons exist on the 1st of November as existed last June, in relation to the matter of employment of persons and their salaries? A. A greater reason; on the 1st of November we adopted a resolution and forwarded it to the health officer; the health officer sent back word to us in a letter, which I think is present — I think Commissioner Judd has the letter in his possession — stating that any alteration of salaries would not be recognized — any discharge of employees would not be recognized by the health officer or employees; I then wrote a letter to him on November 6, stating that there was possibly a misunderstanding, and requesting him to appoint an early day on which he might meet the commissioners for a perfect understanding on this matter, because we felt solicitous about our appropriation running out, and desired to reduce expenses; the health officer didn't return any answer until this morning; that was Saturday week I sent him the communication.

Q. What was the answer to it? A. The answer to it was that he would meet that board. We contended if we had had power to reduce the salaries we would have done it immediately, not waiting for that board to meet, which is a ponderous machine any how.

Q. There has been no endeavor made to call the board together, I understand you to say? A. No endeavor made, except in June last; there was no endeavor made recently to call it together, but the doctor discharged some men from the *N. K. Hopkins*, and we thought that the simple suggestion from us to him, or resolution, recommending that, would be sufficient for him to fall into our views, in view of our appropriation becoming exhausted, that he would fall into it immediately and discharge other men; he has taken upon himself the perogative for discharging men; he has that power.

Q. That was given to him by law? A. Given to him by law.

Q. Are there any persons in the office that now occur to your mind whose service might be dispensed with? A. At present?

Q. Yes, sir. A. Yes, sir; we named two or three in our resolution.

Q. Aside from the reduction of the expenses of quarantine in the way of salaries and in the employment of unnecessary officers and subordinates, are there any other suggestions that you can make to the committee whereby the expenses of quarantine might be reduced? A. I think that if the commissioners of quarantine were empowered by law to collect the fees that the health officer now collects and that he receives, I think that they could run the quarantine establishment without any trouble at all, without any appropriation; that is my impression.

Q. Have you made any estimate in detail of the cost of repairs and maintenance for the separate branches of the quarantine service? A. I don't know that that would take in repairs, because there is a possibility of many contingencies occurring, wherein repairs would be heavy; but as to maintenance, I feel confident on the maintenance part of it; we have had no appropriation since I have been commissioner of quarantine for repair; the repairs that have been consummated at Dix Island and Hoffman Island have been taken out of our appropriation for maintenance; sometimes emergencies might occur, a leaky roof or something of that kind; we have had no appropriation for repairs that I can remember now.

Q. I understand the conclusion to be that if a law were passed providing that the commissioner of quarantine should receive the fees which are now paid to the health officer, you would employ a health officer and his deputies and manage the entire institution, including all salaries for all subordinates, without any expense or charge to the state? A. That is my impression, sir.

Q. The repairs, however, would not be included in the estimates? A I wouldn't like to say that they would; there would be probably something left for repairs, but I wouldn't like to say that there would; I wouldn't be positive on that point.

Q. As far as the management of the *Hopkins* is concerned, the health officer, the other day, before the committee, testified that if he had charge of quarantine affairs exclusively, he would so manage matters that the crew of the *Hopkins* might be dispensed with for about six months of the year, excepting the services of the engineer and captain, who should also at the same time be ship-keeper at a reduced salary; have you consulted Dr. Vanderpoel in relation to that matter to see if any reduction in that respect might be effected — the services of the employees of the boats? A. That has been effected for each winter that the *Hopkins* has been in commission since I have

been commissioner of quarantine, or since this present board has been commissioned; but the first year that we came in there was a boat employed, named the *Gertrude*, and she was paid — she was engaged or chartered before we were made commissioners, at a price of $20 a day, by the state; that boat, I understand, was the doctor's private property; he ran that through the months of January, February, March and April — months that we might just as well have laid her up — run that boat and kept her pay-roll up. We were then inexperienced in quarantine matters and paid the pay-roll of that boat, believing it was a necessity, and such being recommended by the health officer. Arrangements have been made for the crew of the *Hopkins* for the ensuing winter. We propose to reduce the pay of the engineer to $100 a month, but suggested or intended, if that was brought about, to have him also attend to the engineer work at the boarding station, which is to keep steam on the engine there in order to water the *Fenton* and heat the health officer's residence; and the pay of the captain we proposed to reduce to $50 a month; we simply want to keep these men there as boat-keepers; it is necessary, as I understand it, and I believe it, to keep an engineer, in order that the machinery should not go to rust, on the large steamboats.

Q. As far as the services of the deck hands are concerned and other employees on that boat? A. They are dispensed with.

Q. They are discharged now? A. They are discharged, sir.

Q. In case of an emergency occurring during the winter months such as fire upon the island? A. Will you permit me before you ask this question to make the remark that the *Hopkins* was built under the supervision of the health officer.

Q. She was built to replace the *Fletcher*? A. Yes, sir; and built at his suggestion; here is a bill in reference to that matter; the commissioners of quarantine I understand were authorized by this act to purchase this steamboat, and the boat was being built, and nearly completed about the time that we came into office, in 1873, and the doctor had gone on so far in the matter, and we felt that he knew more about what the requirements were for a boat; we didn't interfere with him, and that boat was built entirely under the direction of the health officer; the act states here; so we didn't interfere with them; we simply paid the bills.

Q. In your judgment is the *Hopkins* necessary for quarantine uses and purposes? A. It is a matter of difference of opinion; there are times when a boat like the *Hopkins* might be very necessary we can't tell at what time we might have a number of patients on Dix Island, and it is a wooden structure, and in case it should take fire there would be no refuge for the people there and a large boat would be necessary to take them off; if an emergency of that kind should not

occur, and there was no possibility of its occurring, I should say that a smaller boat than the *Hopkins* would answer all purposes; but that is an emergency that you can't very well guard against; they have fire apparatus on that island, but it would burn up about as quick as the buildings in my estimation, if it took fire.

Q. In case of an emergency of that character arising during the present winter months how would the *Hopkins* be manned? A. There is no likelihood of a large number of patients being on the island in the winter months, and the *Fenton* then probably would answer to carry off all that might remain during the winter months; it is only in the summer time and during the season of contagion that there are likely to be a large number of patients on the island; that might occur at any time.

Q. I say in what manner would the *Hopkins* be manned and run, in case it were necessary, in case there were a sufficient number of patients, or if there was so large a number of patients on Dix Island? A. Well, it would take some time, of course, I suppose, to get the *Hopkins* out; I doubt very much whether an engineer and captain would be sufficient, but they could man her in a few hours, and get up steam in a very little while, and she is contiguous to the place.

Q. Where do you lay her up? A. Lay her up by the side of the dock at the boarding station; understand, there is a submarine telegraph from Dix Island to the boarding station, and in case of a fire breaking out, we can receive immediate information, and in that case the *Hopkins* would be manned as quick as it is possible to man her.

Q. The crew of the *Fenton* might do that? A. Of course, the captain and engineer are always there, and she is in a condition to be fired up immediately; of course her grates are all clear and ready to put wood in and coal; it would not take long to get up steam.

Q. Have you any suggestions to make in relation to any legislation, as affecting quarantine which would improve the quarantine laws, and remove any cause for complaint, if any complaint exists on the part of the merchants of the city of New York? A. I have never heard any complaints from the merchants of the city of New York in reference to quarantine matters; in their resolutions that they have adopted, they have expressed satisfaction with the health officer and with the commissioners of quarantine; and the commissioners of quarantine, I believe in every case, have endeavored to cooperate with the health officer in order to promote good feeling with the merchants of New York; they have not impeded him the slightest particle, in any way, manner or shape; sometimes there have arisen some little differences of opinion in reference to the payment of funds of which we were the custodians.

Q. Are there any differences of opinion now existing between the health officer and the commissioners of quarantine which interfere

with the successful and harmonious operation of the commissioners in conjunction with him? A. There are certain bills now before the board, which I doubt very much will be passed, in reference to the repairs of the *Fenton*, for instance; the doctor is required by law to pay the running expenses of his steamboat; that steamboat has been designated, and she is the *Fenton*, and we rather disagree, or probably will disagree, with the doctor; we don't propose to pay some bills which he has presented.

Q. You don't understand the scope of my question, I think; are there any differences of opinion existing at present between the commissioners and the doctor, which interfere at all with the harmonious and successful operation of the commissioners in conjunction with him? A. Only in that way, that is all I know; it is of a financial character; that is all; no difference as to any interference with the doctor in his sanitary regulations, not in the slightest degree, wouldn't attempt it.

Q. Can you state whether the regulations now imposed by law, providing that vessels shall be quarantined for a certain number of days, are in themselves reasonable and proper as sanitary measures, or whether those provisions of law should be repealed? A. I have an idea that there are some rules and regulations imposed by law, that if they were properly lived up to, to the strict letter, would rather embarrass the merchants; but they are not lived up to.

Q. Do you think that if the law was so amended, in relation to quarantine, as to conform to the actual and existing experience of the present commission and present health officer, that that would answer all the purposes? A. I think it would; if you will let me make a remark on that subject, I have an idea that the law, as at present existing, confers a little too much power on one man, and while it might not be used by some men in a tyrannical manner, there is a possibility of getting men in there, who would use it; former experience has found that to be so, as I understand; I don't know much about it; but I have heard a great deal of grumbling at the administration of affairs of former health officers; I don't take much stock in these things myself.

By Mr. ALVORD:

Q. Your remark was that the regulations had not been lived up to; you don't exactly mean that? A. I mean that the strict letter of the law has not been enforced.

Q. You mean that the power that the health officer has a right to exert in his discretion hasn't been carried to the full extent of what the law would permit him? A. That is my impression.

Q. That is what you mean? A. Yes, sir.

Q. Do you not believe that in the discretionary exercise of that power on the part of the present health officer he has done it in a way to benefit and advantage commerce, rather than to retard and injure commerce? A. All that I have heard points in that direction; I have never heard any complaint.

Q. In other words, the power resides in the health officer to indefinitely detain a vessel, does it not? A. Subject to appeal to the commissioners of quarantine, and they stand between the health officer to-day and the merchants.

Q. I understand that, but the power, I say, leaving the question of appeal out — the power resides in the health officer to indefinitely detain a vessel, does it not? A. It seems so; yes, sir.

Q. That power has not been exercised by the present health officer? A. Not to any tyrannical extent that I know of.

Q. He has exercised it in his discretion for the benefit of commerce, has he not? A. Judicially, it seems to me.

Q. Another thing: the power resides in the health officer to restrict the commerce of this port in reference to the arrangement and control of the cargo, so far as it regards the stevedorage and lighterage, does it not? A. It does.

Q. Has he exercised that power to the detriment and injury of commerce? A. Not that I am aware of.

Q. On the contrary has he not given the largest latitude commensurate with the sanitary safety of the port, to the merchants, and to the commerce of New York? A. So far as I know; yes, sir.

Q. Now this question of difference between you and the health officer which you have alluded to — this financial question — is simply a purely financial question, is it not? A. Yes, sir.

Q. Then it results in this; that the only difference is an attempt upon the part of both of you to reduce expenses to a point where there shall not be any residuary expenses to be paid by taxation, but it shall be an incubus upon commerce? A. That is a long question; I would like to have you ask that again.

Q. I understand the state appropriated $56,000? A. Fifty thousand dollars, I think, this year.

Q. Fifty-six thousand dollars; no matter. A. I think it is $50,000; well, call it $56,000.

Q. That the only point in this case, so far as this matter is concerned, is to relieve the state from that, and to throw it entirely upon commerce, and not increase the present burden upon commerce, is it not? A. I cannot grasp your question yet.

Q. Commerce has to pay certain expenses, has it not? A. That is correct; yes, sir.

Q. And you propose now not to increase those expenses upon commerce? A. Not to increase them.

Q. But to relieve the state from paying any portion of the expenses? A. I have stated very plainly that if the fees collected by the health officer to-day ——

Q. I understand you; I will get to that in a moment. A. [Continuing] were collected by the commissioners of quarantine, that the commissioners of quarantine could pay the maintenance, or could maintain the quarantine establishment.

Q. In other words they could employ a health officer and his assistants? A. Exactly; and do the same business that is done now.

Q. Pay the amount that the health officer and assistants now get, and pay the extra expenses? A. That they could do the same business that is done now, and do it just as well, and not ask for any money from the state; that is my impression.

Q. Are you aware of the fact that it is contended that the state, as a state, and as one of the states of the union, cannot, under the existing laws do any such thing? A. I am not aware of that fact; but it looks to me rather strange that it should not be so, for if the state empowers one man to collect it, why not empower three?

Q. No, no; that ain't it; your proposition is that you are state officers and pay into the state treasury as state revenue this amount; the other is, that the party who is appointed as health officer by the state retains to his own use and to his own purposes the amount, with no returning benefit to the state by way of revenue? A. That is my impression.

Q. Well, that is the fact? A. That is the fact.

Q. Are you not aware of the fact that it is the opinion of commercial lawyers that the state has no right to collect this and put it into the state treasury, or to pay a single dollar beyond the amount which it costs him to do it, for the benefit generally of the state, and that that is the trouble in reference to the point, whether the state shall run itself or whether they shall run it through a health officer who receives the money for his own benefit? A. I am not aware that that is the law.

Q. That is the only difficulty in the case, as I understand it? A. There would be no difficulty about that, for I would be perfectly willing to put that money in my own pocket for that matter; I don't think there would be any trouble about that; there needn't be any to go back to the state, but I am simply showing the fact that it could go back to the state.

Q. I don't think it could? A. I mean to say this, that there would be a surplus for somebody.

Q. I mean simply this, that the state of New York has no right to

sit here in the port of New York and take fees and put them into its own treasury; that is what I mean. A. Well, I don't object to that, but it may be a matter of law.

Q. It has got to measure the expenses exactly, in every way, shape and manner, and in order to do that it has got to pay the entire amount of its receipts to itself each and every year; it can't pay expenses to-day and say it has got a surplus to pay over to the treasury? A. Allow me to say this, that the surplus that might accrue from the collection of fees in that manner might be used very possibly in keeping the buildings in repair and, perhaps, in giving littte comforts to the patients down there that they don't have now.

Q. The difficulty arises from the fact that you can't measure it? A. If there is any surplus it need not go into the state treasury, but it might be appropriated in a very satisfactory manner by honest men; there could be an economical administration of the affairs of quarantine.

Q. But the state of New York can't be the health officer? A. I will say this, that the commissioners of quarantine have endeavored to institute economy from the first time they received the commission.

Q. All right; we want to get rid of that $50,000 every year, if we can; you say that the health officer has this morning intimated to you that you had better call the board together? A. Any day, in any week, but Tuesday; on that day he is engaged.

Q. You are three commissioners, are you not? A. Yes, sir.

Q. Have you not a perfect right to call this board together without the interposition of the health officer at any time? A. We could call the board together and invite him as one of the members of that board; but remember we have never attempted any thing in quarantine, never attempted any new arrangement whatever without consulting the doctor.

Q. I understand all that, but you have the power, haven't you, under the law? A. We have that power; yes, sir.

Q. Last June you proposed to call this board together, and the doctor talked you out of it; you still had the abstract right under the law to call it together? A. We had it, but we didn't wish to call the board together last June for the intention of reducing the wages of the employees, for the reason that I stated before, that we didn't consider the wages any more than adequate for the risk they ran in the bay.

Q. Then what did you want to call it together for? A. We wanted to call it together as a matter of law, as it were, to establish the rates again.

Q. To re-establish the rates? A. To re-establish the rates or to receive any suggestions that the health officer might make.

Q. I understand your answer; it was simply to re-establish the rates which had already been established? A. And with other suggestions; of course there might come up some suggestions at the time.

Q. I want to ask you one other question; as I understand it, the health officer has the right of the appointment and of the discharge of employees? A. All, sir.

Q. All of them; if the health officer undertakes to employ parties who are not wanted, isn't there, under the existing law giving to the commissioners of quarantine, the two mayors of the cities and the president of the board of aldermen, notwithstanding the fact that the health officer is a member of that board, a power, if in their judgment and discretion it is necessary, to absolutely abnegate everything that he has done, by reducing the salaries to a minimum amount? A. It is a minimum amount.

Q. I say haven't they the power to do away with his power of appointing employees by reducing their salaries so low? A. No, sir; not appointing employees.

Q. Don't they determine the salaries? A. I suppose they could do that, but I don't suppose the commissioners would attempt to modify the workings of the department or obstruct the health officer in any such manner; we never attempt any thing of the kind; we might fix the salaries.

Q. What they would do is another question; haven't they the power? A. They have the power, of course, to do that, but I don't imagine the mayors of the cities of New York and Brooklyn would agree to any thing of that kind, or that the board would propose it; the salaries have been fixed by this board, and in our opinion the salaries are not too large for the men, but there are times in the winter months that we can dispense with the services of these people, and we suggested that to the doctor on the 1st of November.

Q. Hold on a moment now; you say there is a number of them who can be dispensed with in the winter season? A. Exactly.

Q. Haven't you got the power as a board to meet together, without any interposition on the part of the health officer, and say to this health officer, "These men that you say must be employed shall not get but a dollar a month," and in that way do away with this extra amount of employees? A. We have that power, but don't like to exercise it.

Q. That is another question; I simply asked you whether you have the power? A. Yes, and I will give you the reason why we don't exercise the power.

Q. I am not asking you the question whether you exercised it or not; I am asking you the question whether you have got the power to exercise it? A. We have the power in that degree, as I understand.

Q. I wan't to ask you one other general question, because I think it is due to the health officer; as contrasted with all the health officers

that you have any knowledge of personally, or you have any knowledge of by reputation, how does the character and conduct of the office compare with the preceding health officers? A. Very fairly; I think from all the representations that I have heard; I think that they compare more than favorably, but then I don't wish to put myself on record as saying any thing against Dr. Swinburne or Dr. Carnochan, or any other man.

Q. I only asked that general question. A. Wait a moment — or any of the men that have preceded Dr. Vanderpeel, the present health officer; I simply see little pieces in the papers once in a while, and hear a little talk in the street, but from all I have heard, the present health officer compares very favorably with any that have preceded him, but I don't wish to be quoted as authority upon that subject, for I knew very little of the workings of quarantine previous to my coming into the department, and many of the records are not to be found of former years.

By Mr. WAEHNER:

Q. In your estimate made a while ago in which you stated that if the commissioners of quarantine collected the fees of the health officer they could run the commission without an expense to the state; do you include in that the residence for the health officer? A. The residence for the health officer.

Q. Would that be provided for in your estimate? A. I think that is an outside matter, sir; the appropriation is outside of that; the residence of the health officer was bought and paid for by the state.

Q. The maintenance of that residence? A. The maintenance of that residence is simply paying the taxes on the property.

Q. Are there no other expenses connected with it? A. None than I know of.

Q. Furniture and repairs? A. The furniture is there, of course and as it might be destroyed should be replaced.

Q. And repairs? A. And repairs, I should judge; that might be taken out of the funds.

Q. Then there is somebody in charge of the property, also, taking care of it? A. I don't know that there is anybody paid for by the state to take care of that property only this, that I think that there is a bill amounting to $4,000 or $5,000, providing for four or five policemen for the health officer.

Q. They are generally employed, and have been employed for years past in the discharge of police duty, have they not? A. As I understand the law to read, they are policemen, and employed for that purpose.

Q. Do they do any thing else besides what legitimately appertains to the duties of that office? A. Not that I am personally aware of.

Q. Have you any information upon that subject? A. I don't know that my information comes from a strictly reliable source.

Q. Whatever it is, we are willing to receive it, and we will take such steps as we think proper to get reliable information? A. I don't know that I could answer that question definitely as to how they are employed; all I know is this: there is a law authorizing the employment of four policemen, I think; either four or five; what they are used for, I don't know, or what use there is for them, I don't know.

Q. In your judgment are they necessary? A. I should think not.

Q. Are you informed or advised that these policemen are employed for any other purpose, or do any other work besides that of watching the property of the state and of protecting the sanitary measures and regulations prescribed by your board? A. From my personal knowledge I am not aware that they are.

Q. Have you been informed that they are? A. I have heard some rumors as to these policemen being put on some other duty; what it is, I don't know; I have heard of there being employed as messengers, some of them.

Q. By whom? A. By the health officer; I don't know that there is any reliability in it; I am not able to say myself, but it is a matter that I didn't interfere with, and these are questions that I would rather not answer unless you wish me to answer what I have heard, and heard rumored, which I don't attach much importance to, generally; I propose to state facts as I sit here, and don't care to give my special impressions; but I am willing to give all the facts I know.

Q. Reverting to the original question that I put; under your proposed system of running the quarantine you would employ, I presume, a health officer and his deputy, at a salary? A. At a stated salary.

Q. Would this salary oblige the health officer and his deputy to furnish his own residence, or would you have it as it is now, that the state furnishes to the deputy and to the health officers, residences? A. I would like to answer it in this way; the state already provides, as I understand it, two residences—two expensive, and, I might say, palatial, residences for the health officers; if there were only two health officers employed down there, who are now deputies, we could dispense with one of these residences, sell it, and the money might go into the state treasury.

Q. How many residences are there? A. There are two; under our system one might be dispensed with.

Q. Is Dr. Thompson provided with a residence? A. Dr. Thompson and Dr. Mosher, I understand, live in the same house, or the house is so divided, or so constructed, that it amounts to two resi-

dences in fact; they don't interfere with each other; there is ample room for two health officers down that bay.

Q. Under your system one of these residences could be sold? A. One of them could be sold and the money put into the state treasury.

Q. And the other would still be appropriated for the use of the health officer employed under your system? A. The other one could be; yes, sir.

Q. And would necessarily have to be, to make your estimate correct, or to make both ends meet? A. It ought to be; yes, sir; I wouldn't like to give the health officer or deputy any worse residence than they have got, and I don't think it is necessary to have any better; they have a very nice house, as good a one as I live in, and as good as I wish to live in.

James McQuade, a witness, being recalled, further testifies:

By Mr. WAEHNER:

Q. Are there any suggestions that you could make in relation to a more economical administration of the affairs of quarantine? A. Well, sir, as the quarantine establishment is conducted at present, the fees established by law for boarding vessels, fumigating, vaccination, etc., I believe the fumigation and vaccination fees are not established specifically by law; they are in the discretion of the health officer, but the other fees are; they are received by the health officer for his own benefit; the state appropriates $50,000 a year for the maintenance of the quarantine establishment; if it is a mere question of economy, I think, and agree entirely with my colleagues, that if the fees would be collected by the commissioners of quarantine, and appropriated to the payment of the expenses of quarantine, that there would be no necessity for an appropriation by the state; I think the fees would cover all the expenses of the quarantine, including the salaries of the health officer and deputy, because I don't see any necessity for the employment of two deputies by the health officer, because at present the health officer does nothing; the work is all done by the deputies; they could pay the salary of two competent physicians, pay all the expenses of maintenance and keep the property in perfect repair for the fees that are now collected by law by the health officer.

Q. Would you, under that arrangement provide a residence also for the health officer; you have heard the testimony of Captain Stears in relation to that matter? A. I think one of the houses could be dispensed with, and perhaps both, provided that what I have been informed was the original idea in the construction of these islands was carried out, and that is that the health officer should reside on one of these islands; in that case, if the health officer should reside on one

of these islands — and one of them is not used at all for any purpose at the present time — then the state could dispose of this valuable property now occupied for a boarding station, and cover the money into the treasury — if cover is the right word; that is one plan; another plan would be this; it is rather radical, and I merely suggest it with a view to have all these different propositions put before the committee; If the state is disposed to continue this appropriation for the care and maintenance of quarantine at the amount that is now appropriated every year, and the state could abolish all fees, I think the amount appropriated now would cover the expenses of the establishment, and relieve the commerce of New York entirely of the payment of any fees.

Q. That the $50,000 which has been annually appropriated of late for the maintenance of quarantine would cover the salary of the health officer too? A. Yes, sir; that is my impression.

Q. And maintain the whole system of quarantine without any imposition upon the commerce of the port? A. Upon the commerce of the port.

By the CHAIRMAN:

Q. That would include the salaries of the commissioners? A. Yes, sir.

By Mr. WAEHNER:

Q. And cover also repairs? A. Yes, sir; the question of repairs is one that I can not estimate very clearly; it might be possible at some time, in view of the peculiar construction of these islands, to make an extraordinary appropriation, in case that the sand should wash away, and any very serious damage would be done, it might be necessary to make an extraordinary appropriation; but I speak now of the ordinary repairs that would have to be made to any buildings.

Q. And would that extend to the repairing and maintenance of steamboats? A. I think so.

Q. Would you, under that system, deem it necessary to run two steamboats? A. I think that during the summer months it would be necessary to run two steamboats.

Q. The running of these steamboats, or at least both of them, would then be absolutely a charge upon the state, and not as now, under the law, one of them being a charge upon the health officer? A. Yes, sir; I think there could be greater economy in the running of the establishment; I don't put this forward, I merely make this as a suggestion; the question simply arises whether the commerce of New York

should pay this tax for the sanitary measures, for sanitary precaution, or whether the state should pay it directly out of the treasury.

Q. The expense not being greater than now under the law? A. I think not; I think the ordinary appropriation that has been made for years past would about cover the expenses of quarantine.

By the CHAIRMAN:

Q. About $65,000? A. Yes, sir; about that.

By Mr. WAEHNER:

Q. Would it be more advantageous to the state if the maintenance fund were increased to $70,000 or $75,000, and these impositions taken off of the commerce of the port? A. Undoubtedly.

Q. Do you think it would be more advantageous to the state as a whole? A. Undoubtedly; the only question then, as I said before, arises whether it would be proper to relieve commerce of this tax, whether the commerce should pay the expenses of running the establishment, or whether it should be paid by the state as a sanitary expenditure.

By the CHAIRMAN:

Q. You are rather a free trader, are you not? A. I am a good deal of a free trader.

By Mr. WAEHNER:

Q. Do you think that quarantine affairs, being purely of a sanitary nature, should be administered in the same manner that the sanitary affairs of the state of New York or of any other corporation are administered in the state; that is to say, there should not be a charge upon individuals particularly, but should be a taxation as part of the police or sanitary arrangements of the state? A. I am not entirely clear upon that point; I don't desire to give any opinion upon that; I am only making a suggestion, as an alternative; this idea of relieving commerce entirely of this tax for boarding is an alternative proposition; I don't put it forward as a suggestion of my own at all, but I am merely suggesting it as an alternative; in other words, I am satisfied that the fees which are paid for the commerce of New York for quarantine purposes are sufficient to defray the entire expenses of quarantine, including a liberal salary to a health officer and a deputy.

By Mr. ALVORD:

Q. What possible interest has the county of St. Lawrence to the

extent of the amount of tax that you would place upon it which would relieve the commerce of New York from this burden—what possible interest has St. Lawrence in paying its portion of the state tax for that purpose? A. I don't know of any interest, except it might prevent a case of yellow fever from getting up into Canton, or somewhere around there.

Q. What possible interest has the county of Suffolk? A. No interest except it might prevent the cholera from getting into Suffolk.

Q. Is there such a remote interest as under any circumstances this should be made a state charge? A. I don't say it should be made a state charge.

Q. Your last proposition was to relieve commerce entirely and to make it a state charge? A. I thought that I made myself sufficiently well understood; if I didn't I beg leave to correct it now; I merely put that forward as a hypothesis; I didn't make a recommendation at all.

Q. Now we will come back then; I guess your recommendation is used up? A. It is not a recommendation.

Q. I think it is used up, even your suggestion? I have no pride of authorship in it.

Q. We will come back to the other point; you say the state appropriated $65,000 or $75,000; do you anticipate and expect that competent and reliable health officers and deputies, competent and reliable commissioners and all the necessary employees, with all of the necessary expenses attending the organization of a steam marine and the expenses of maintaining them, can be done for $65,000 in the course of a year? A. If you will give me a moment to figure; I am not very good at figures.

Q. Go on; I will let you figure; I know you are not good at figures; that is your great trouble; it looks to me just exactly as if it was a collision between you on one side and the health officer on the other. A. No, sir; not at all; the tone of the committee has been of a highly economical character, and I was simply trying to follow in that; I base my estimate upon the testimony of Dr. Vanderpoel, who testified that the expense for quarantine for care and maintenance and repairs — that he could manage it for $35,000 a year; item first, I should pay a health officer $10,000 a year and a deputy $5,000, the salaries of the quarantine commissioners, $7,500 a year; that makes $37,500 a year.

Q. Do you mean $10,000 and $5,000 a year and take care of themselves? A. So far as salaries; I take it that the state is not expected to pay their board.

Q. No; but do you mean to say that $10,000 a year and $5,000 a year for the health officer and his deputies, outside of their ordinary residence, furniture, etc., is sufficient, and that you could obtain that

particular grade of medical advice that would be wanted under those circumstances for that amount of money? A. I judge from results; Dr. Mosher, who is *de facto* the health officer of the board, and has been for years discharging the duties of executive officer, receives $7,500 a year; now, I propose to take a man equally as good as Dr. Mosher and give him $7,500, and that makes $15,000.

Q. Does not Dr. Mosher have his house and his grounds and his furniture? A. Yes, sir.

Q. Haven't you got to add that to it? A. Not at all, sir; that is included in Dr. Vanderpoel's estimate of $35,000.

Q. Oh, no? A. Certainly.

Q. Oh, no? A. I beg your pardon.

Q. Dr. Vanderpoel pays for Dr. Mosher? A. He does not pay for heating his house, or any thing else; he pays him $7,500 as his salary, and he is one of the most competent men in the United States for that position.

Q. I understand that very well? A. And if Dr. Mosher can be employed for $7,500, a man than whom there is no better man in the United States, I don't see why you couldn't get another man equally s good as Dr. Mosher for the same money; those are my figures, governor.

Q. I understand they are you figures, and they are simply figures. A. One-half of them are Dr. Vanderpoel's and the other half mine.

MR. JUDD—The boat earns money for the state.

THE WITNESS—I am not descending into details now; we are getting general, wild estimates.

MR. ALVORD—Very wild, I think.

THE WITNESS—I don't know, I think my figures are good.

Q. Have you ever examined this simple question that I have proposed here in reference to the conflicting jurisdiction of the state of New York and the United States? A. I never have, sir; but it appears to me that if it is necessary for the state of New York to take certain precautionary sanitary measures to charge the parties interested and the shipowners for the expenses, that the state has a right to appropriate the fees toward those expenses.

Q. You think the state has a right, under the constitution of the United States, to take those fees and absorb them into its treasury and repay those whom it shall employ for the purpose of carrying out their views and ideas in regard to sanitary regulations? A. Well, if I were in Albany and had the benefit of the advice of the attorney-general's office I might give an opinion on that subject, but it is so long since I have had any thing to do with the law, that I don't think my opinion is good as a great constitutional expounder. That question of the constitutionality of the thing is not a matter for me to decide.

Q. Are you not aware of the fact that the present arrangement, so

far as it regards quarantine, on the part of the people of the state of New York, is in consequence of a fear gathered from the opinions of the greatest jurists of the country, that any thing else than the present arrangement will make a conflict between the government of the state of New York and the government of the United States, so as to do away with the power of the state of New York to regulate the quarantine at all? A. Well, sir, I am not informed on that subject; my idea of the present quarantine regulations, some of them are, that I think they were established more by the lobby in the supply bill than any thing else.

Q. I have nothing to do with that; I am only talking to you on the abstract principle. A. I am talking about facts.

Q. I don't desire to go into that because I have no doubt but that you have been in the lobby and have ventilated a great many of these things; I don't want to involve you in the necessity of stating what you have done? A. I beg leave to state here now as I am under oath that I never was in the lobby in my life, on any question.

Q. That is the first time I ever heard it; I am very glad to hear it under oath? A. I never had a cent's interest in the lobby in my life, on any question; I say that here under oath; I hope Gov. Alvord can testify to that; I believe that you are in the same boat, governor.

By Mr. GEDNEY:

Q. The rate of six and a half for physicians fees on these vessels was appointed by law, I understood you to say? A. The different rates; yes, sir.

Q. Suppose these shipowners should refuse to pay that, where is the power to collect it? A. The power is in the law.

Q. Who would be the prosecutors? A. The commissioners of quarantine, under the law.

Q. Upon what ground? A. That is the law.

Q. I know that is the law, but if they should undertake to collect it — the commissioners — then the health officer has no more to do with it? A. I think the law is — Mr. Judd, you have been commissioner longer than I have; I am simply a new comer: does not the law provide now that in case of a failure to pay, that the commissioners shall commence an action?

Mr. JUDD — Shall commence an action against the vessel; yes, sir.

The WITNESS — Yes, sir; the commissioners now have the power under the law.

Q. If it is unconstitutional for the commissioners to collect it when it may be voluntarily done, where is the constitutional right to collect it under compulsion? A. I don't know of any.

Q. That is the difference; that is what I want to get at; I supposed

the authority to collect it was lodged somewhere; I wanted to know where? A. It is now in the commissioners of quarantine.

Q. Has such a course ever been pursued since you have been commissioner? A. No, sir; nobody has refused to pay.

Q. Then we don't know what the effect of that trial would be? A. I have no information on the constitutional question, and I don't know any thing about it; I never heard it raised until within a day or two in this committee.

Q. Would it be advisable in any point of view to restore to the quarantine commissioners full powers of quarantine, and that they appoint a treasurer, who should collect the fees as the doctor does now? A. Yes, sir; I think it would be.

Q. That would be in accordance with the law then as much as if the doctor should do it? A. That is my impression; yes, sir.

Q. So that there need not, of necessity, any of that money be returned into the state treasury; if it could not be covered there, as has been stated, they might carry the balance from one year to another? A. And appropriate it to the expenses and maintenance of the establishment.

Q. In case there was a surplus would it be advisable to reduce this fee? A. Yes, sir; make the fee sufficient to cover the expenses; that is my idea about it.

John E. Colville, a witness, being duly sworn, testifies:

By Mr. WAEHNER:

Q. You are connected with the quarantine commission? A. Yes, sir.

Q. In the capacity of a superintendent? A. Yes, sir.

Q. Will you state to the committee what the duties of your office are? A. Taking charge of the islands, the general supervision of the steamboats, looking after their wants, repairs, etc.; taking care of the hospital on Dix Island.

Q. In relation to the management of the hospital at Dix Island, will you explain to the committee what arrangements exist between yourself and the health officer or the commissioners of quarantine as to the care of the boats, etc.? A. There is a dollar a day paid for every patient that goes into the hospital.

Q. Who pays that? A. It is paid, a part of it, by the United States, when they are United States sailors, that is, sailors who have served for three months continuously and over in an American vessel; I believe the amount is forty cents a month which every sailor pays at the custom-house into the seaman's fund.

Q. Where is that forty cents paid? A. That is paid into the custom-house; I get for every patient a dollar a day, out of which I return back to the commission twenty cents.

Q. Are there any other patients there? A. Yes, sir; occasionally foreign vessels which don't come under the funds.

Q. How many were there during the last year? A. I have got a memorandum here of the number of patients; up to the 1st of November this year we have had 112 patients.

Q. From the 1st of January? A. From the 1st of January to the 1st of November.

Q. During last year? A. Last year we had 53 patients from the 1st of January to the 31st of December, and in 1873, which was my first year — I went there in October, 1872 — and we only had seven patients to the end of that year up to 1st of January, and in 1873 we had 101 patients.

Q. To whom do you account for the money, this 20 cents? A. To the commissioners.

Q. You furnish them with the number of patients? A. With the whole detail; yes, sir; the days they have been in, and the account.

Q. How long have you been connected with quarantine? A. I have been in quarantine since Dr. Vanderpoel came here, sir; it will be, I think, four years in March; I went there shortly after he was appointed; he was appointed some time in February, and I think I went there about the first of March or the fifteenth of April; I am not sure; between the first of March and the fifteenth of April.

Q. Are you able to state from your experience in quarantine whether the force, at present employed by the state, is too large, or whether it is just sufficient for the purpose of administering the affairs of quarantine successfully? A. That is a question that I don't see that I could very well answer; I am simply a subordinate; I am like every one else of the employees exactly; we could get along probably with a few less, and yet it might be pretty hard to get along with any less; it requires a good many people to take charge of Dix Island; there is a great deal of property there, a great deal of state property, which requires constant care, keeping the rust from it, and protecting the buildings, keeping them clean, etc.

Q. The four policemen that are employed by the state, what are their duties? A. Their particular duties are simply to keep runners and thieves, and such people, out of the quarantine, and the quarantine anchorage.

Q. Is all their time continually in the service of the state? A. Yes, sir; I think so, so far as I know; I am not a great deal around the boarding station; my station is below.

Q. Where are they principally stationed, at the boarding station? A. At the boarding station, yes, sir.

Q. What is there there to protect? A. There is the shipping coming in all the time; to protect the shipping and keep these runners from going on board.

Kneeland S. Townsend, a witness, being duly sworn, testifies:

I want to state that in the purchase of property on Staten Island, that was made two or three years ago to locate a boarding station at the Narrows, they were obliged, in order to get the price of property, that they wanted to buy some eight acres of ground; that included the water right, some 500 feet I guess, and they have two residences of the physicians, Dr. Vanderpoel, and Dr. Mosher, and Dr. Thompson, and they built a wharf, and all those conveniences, for that purpose, and there is full, I should think, six acres there of ground, that they have no sort of use for; they can't make it available; it is now held by the state; consequently it is not taxable property; the town of Edgewater, in which it is situated, receives no taxes from it, and I think it would be a matter of saving to the state, if you gentlemen will report or recommend it, that a certain part of that property be sold to private owners, and released.

By Mr. WAEHNER:

Q. What do you estimate the value of those six acres to be? A. Well, they gave $63,000, I believe, for what they purchased.

Q. For the land alone? A. For the land and two houses.

By the CHAIRMAN:

Q. Old houses? A. Yes, sir; I suppose that eight acres is probably worth $40,000 without any houses on it; I should think they might sell property down there to the amount of say $5,000 an acre.

By Mr. WAEHNER:

Q. That would yield $30,000 to the state treasury, if that property was sold? A. Yes, sir; and as long as they hold it down there, it is a constant fear of the people down there that some officer, or some physician, hereafter, may locate a hospital, or something of that kind, on that property, which we don't want; I think if you have occasion to ask anybody connected with the boarding station there, whether there is property there that they don't need and that they don't use, they will say so themselves.

Q. Are any of these eight acres used for any purpose whatever? A. No, sir.

Q. The grounds immediately surrounding these two houses, these six acres that you allude to? A. I don't know that they are.

Q. They are in fence, are they? A. No, sir; it is all one piece; the whole piece is fenced in.

By the CHAIRMAN:

Q. Used for pasturage? A. Probably.

By Mr. GEDNEY:

Q. No road dividing a portion of it? A. No, sir; it is situated something like this, now [indicating] *that* is the water front, and *this* is the avenue front, and *here* is a corner that is taken out by what is called the St. John's church; they own some 230 feet, I suppose, almost subdividing this part on the avenue; these houses—the residences of the physicians—are both in front *here*, and with the exception of a road that they would require to get at them, all this property might be sold off.

By Mr. ALVORD:

Q. Does that include in your estimate of selling, any of the water front? A. No, sir; I would not sell any of the water.

Q. The mere rear? A. The mere rear.

Q. Is it your anticipation that that six acres, taking into consideration that they paid $63,000 for the water front, buildings and all, would bring $5,000 an acre? A. I don't know as it would in one plot, but it would retail at that.

Q. I mean to sell it; the state to sell it in the ordinary way in which the state sells, would the six acres of the rear bring $5,000 an acre? A. Well, property on Staten Island is almost unsaleable at present, but I think it would be worth that.

Q. You would not at all undertake to interfere with the water front of this eight acres? A. Oh, no; the state hasn't got any more water front than they want.

By Mr. GEDNEY:

Q. These two buildings that you spoke of, what part of this plot are they? A. That is on the immediate front; two residences, one of Dr. Vanderpoel, and the other of Dr. Mosher and Dr. Thompson; in the rear of Dr. Vanderpoel's there are stables and other things, immediately in rear of the church lot.

Q. You spoke of two old buildings? A. They have been remodeled and fixed up.

Q. There are no buildings on the other plot that you propose to sell? A. No, sir; it is a hill, partly graded.

By Mr. ALVORD:

Q. Is the desire upon the part of your people, and the belief upon the part of your people, that this ought to be sold, more predicated upon the fact that they might anticipate a use of that ground for the purpose of a hospital, than any other reason? A. Well, my own individual opinion is, that the state holds more property there than is necessary, and if she can sell off any of it, and put the money in the treasury, she ought to do so.

Q. That is all right; I am asking you now whether the motive or the idea of your people is, that this extra amount of land, beyond the absolute necessities of the location, may possibly be devoted, in order to make it useful for a hospital; is not that the idea more than any thing else?

Mr. JUDD—The law that we passed in 1872, had a clause that it should never be used for hospital purposes.

The WITNESS — Can't the legislature abrogate that law?

Q. I asked Mr. Townsend the question, whether or no the desire and anxiety of his constituents is not to get rid of this land, for the purpose of avoiding the possibility of a hospital there, rather than for any purpose of economy to the state? A. Of course the people want to protect themselves against any thing of that kind ever happening to them again.

Q. That is one of the motives? A. That is one reason; the other reason is that there is a large piece of property there which is not taxable, from which the people get no benefit in that way.

Q. The locality gets no benefit from taxation? A. No, sir.

Q. That is one reason? A. That is one reason.

Q. Another reason is that the state having a surplus of land there upon which they can build a hospital may possbly build a hospital? A. That is anothe reason.

By Mr. WAEHNER:

Q. The third reason is that in your judgment it is not necessary? A. It would be for the benefit of the state to sell it more than to hold t.

By Mr. GEDNEY:

Q. Admitting that the people of Staten Island would like to get that property out of the possession of the state for any reason, no matter what the reason is, does not lesson the propriety of selling it that the profits might be returned into the treasury? A. No, sir; I should think not; if the state has property down there worth $30,000, that is absolutely useless to them, and the cry is for reform and retrenchment all the time, they better sell it.

By Mr. ALVORD:

Q. Will you agree as the representative of the county of Richmond, to pay the state $30,000 for that property? A. No, sir.

Q. Will you agree to pay $25,000? A. I haven't got the money to pay it.

Q. Will you agree that your people will pay $25,000? A. But that is not the question.

Q. Why yes it is the question; we paid $63,000 for that property; now at the rate of eight acres for $63,000 — you say the buildings were not worth very much of any thing — it is worth at least the $30,000 that you estimate? A. Well I think the state ought to realize $30,000 for it.

Q. I don't know any thing about what the state ought to realize but will you agree that your people will pay $30,000? A. No, sir; I won't agree to any thing; I won't pledge my people to any thing.

Q. You won't agree that they will pay $5,000, will you? A. No, sir; I only tell you that the state has got more real estate down there than she needs.

David W. Judd, recalled, further testifies:

By Mr. WAEHNER:

The witness produces the following statement, which is marked "Exhibit, No. 2, November 15, 1875:"

Reduction contemplated by the resolution of November 1:

DISCHARGED.	
Dr. McCartney, resident physician	$170
Lawrence Johnson	55
E. J. Browne, engineer and machinist	125
REDUCTION.	
Edward Tinnerty, captain of the *Hopkins*, from $120 to $50	70
Jesse Conklin, engineer of the *Hopkins*, from $120 to $100	20
Saving per month	$440

Q. This statement is the reduction contemplated by the resolution adopted by the commissioners of quarantine in the salaries of subordinates in the employ of the commission? A. That sir, was the reduction that was contemplated by a resolution that was drawn up on November 1 and sent to the health officer; you will observe that the resolution applies, striking these names from the pay-roll; as my colleague, Mr. Stears, said, it was advisory.

Q. You would discharge Dr. McCartney? A. Of course; because the *Illinois* is not now employed as a boarding station.

Q. For any particular period? A. Up till next May.

Q. Also Lawrence Johnson; would his be a permanent discharge? A. To next May.

Q. Also Mr. Brown? A. Our idea was to take Jesse Conklin, who is an old man, who is now engineer of the *Nelson K. Hopkins*, and have Mr. Brown discharged, who is the engineer at the boarding station; so far as his duties are concerned, we perhaps are undecided to-day as to the necessity of that man being there.

Q. At all? A. At all; our idea is while the *Hopkins* is laid up to have Jesse Conklin's pay reduced, or rather have his salary fixed at $100 and have him do the work of both men; Mr. Brown receives $120 now.

Q. One hundred and twenty-five dollars according to the statement.

By Mr. ALVORD:

Q. What would you do while the *Hopkins* was running? A. This is contemplated for the winter season.

Q. Then this statement is only in contemplation of the winter season? A. The winter season; as far as the engineer at the boarding station is concerned, we don't know whether the state should pay for an engineer at all.

Q. You reside on Staten Island? A. I do, sir.

Q. You know the property used at the boarding station? A. I know all about it, sir; every thing.

Q. In your judgment, having heard the evidence of Mr. Townsend, who was on the stand, what do you say as to the necessity of six acres of land? A. If you will allow me to make a statement.

Q. Certainly? A. The old quarantine property, which was situated at the quarantine, was sold several years since; a law was passed in 1866, providing for the construction down the bay of these islands; it was the intention, as you will find from the reports, that the commissioners, our predecessors, made, to remove the property, the entire establishment of quarantine down to those islands; a reservation was made for the health officer, and his assistant, until this establishment down the bay should be completed; in 1872, I brought in a bill in the legislature, repealing this clause, which should allow this reservation to be made; after consultation with the health officer, I then became satisfied that it was necessary to leave this reservation until the whole property should be completed down the bay; by mistake, this bill was called one day in the assembly, and was passed; my esteemed friend, Governor Alvord, will remember that I went over to him and told him that it was a mistake that the bill was passed, and had it reconsidered, and the bill was killed for the reservation of this property, supposing at that time that the entire establishment was to go down the bay; some eight months after the

passage, after the legislature adjourned, I found to my unutterable surprise that a clause had been put in the supply bill providing for the establishment of this present health officer's residence, and his assistants, down the bay; I immediately went to Albany, and conferred with the speaker, Henry Smith; he said there was never any such clause in the supply bill, as passed at that time; how it got in there, I am not aware, but the clause was put in; I proceeded to Albany after I was appointed commissioner of quarantine, for the purpose—in the meantime, this clause, which had been put in the supply bill, stipulated that the health officer and the commissioners of quarantine, should go forward and purchase that land site, and it should be approved by the land commissioner; I proceeded to Albany, and the purchase was made of this property for $60,000, with some accompanying expenses, making some $63,000; you will notice by referring to the report of 1872, that the supply bill was acted upon in the closing hours of the legislature; I don't believe that a single member in the lower house, although I may be mistaken in this, knew that that clause was in the supply bill, providing for the establishment of this new residence and boarding station down the bay, which has cost $150,000 to the state; however, the bill was passed, and a resolution was introduced by a member of assembly, calling upon the land commissioner for information in regard to the feasibility and propriety of having that boarding station.

The land commissioner made a report to the legislature in 1873, in which they strongly recommended the ratification of the purchase of this property, on the ground that it was valuable property and was property which the state should possess, and I think it was stated that it would increase in value; and then an additional appropriation was made of $60,000 by the legislature of 1873 to fit up these residences and to build a dock, and it was also stipulated in the original act that the hill on this land, which Mr. Thompson alludes to, should be leveled, which was done to a certain extent; as I say, I proceeded to Albany to oppose the ratification of that measure, with the idea that the entire establishment should be carried down the bay, and that the health officer should live, as was originally provided, and was stipulated in the report of the commissioners of quarantine who constructed these islands, that the entire establishment should live down the bay, that this vast expense of the boarding station and assistants and dock should not have taken place; in consultation with the health officer and others, I found that unless this purchase was made here it was very liable to be made at quarantine; as doubtless all the gentlemen of this committee are aware, that quarantine has always been a matter of great trial to Staten Island, it became a question in my mind whether to oppose that thing entirely or to have it go down the bay; whether if

that was done it would not be located at the first station, which would be a source of greater trial than the other — it should be located where it is, down the bay, down near the Narrows — and finally I withdrew my opposition in 1873 to the location of this boarding station, on a petition, on being informed by Mr. Christie, ex-Senator Christie, who is now dead, that all the property-holders down there were opposed to having a boarding station located there; prior to being informed that this petition was in circulation, I received a petition from the Staten Islanders located at Clifton, the upper part of the island, taking strong ground against locating the quarantine there at all, but having it go down the bay, as being originally provided by the location of those islands down the bay; I withdrew my opposition and I think the others who were opposed to the locating of the boarding station withdrew, and the bill finally passed in 1873; my ideas coincide exactly with Mr. Townsend; that is, assuming, as has been stated, and as maintained, I think, by the present health officer and by others who were connected with quarantine, that it would not be feasible to remove the entire establishment of quarantine down to these islands, for the reason that during stormy weather it would be an impossibility to board down there; assuming that that theory is correct, there is no necessity for the state to own any thing more than simply a dock on Staten Island for boarding purposes, and so far as all this establishment is concerned, and the health officer's residence, and the assistant health officer's residence, and all the paraphernalia connected with that establishment, it is entirely unnecessary, so far as the state is concerned.

By Mr. WAEHNER:

Q. You would recommend the sale then of this six acres of land? A. Most certainly, sir; so far as this property is concerned, I see no reason why the commissioners of quarantine should not, each one of them, have a handsome, elegant, palatial residence, with comfortable surroundings, for themselves, as well as the other health officers.

By Mr. ALVORD:

Q. I want to say to you, and I am very sorry indeed that you did not know any thing about it, but I happened to be a member of the committee on ways and means, and this whole question in regard to the selection of this site for the health officer was not a secret question, but it was an open question, and it was in an original report. A. I beg leave to differ with you, governor; I have the original bill and looked at it this morning; it is not in the assembly supply bill and was put in either by Dan Wood or Senator Murphy; Henry Smith informed me that it was never read in the lower house.

By the CHAIRMAN:

Q. What is that six acres worth; that is the original question on which you started with your statement? A. As I live on the other side of the island, perhaps I am not a competent judge as to the value of that property; Mr. Townsend, as a real estate owner in that part of the island — I don't know whether he owns any real estate or not, but I trust he does — but I should say his estimate, knowing him to be a perfectly honest man, his estimate would be a correct one; in the rear of the health officer's residence, assuming that it is necessary to retain those residences and to retain that dock, there is a large portion of land which runs back to New York avenue, a large area of property there which is of no earthly interest to the state, and that property ought to be sold; and if the commissioners of quarantine should have the power, as I stated in my previous examination, restored to them, we should go forward and sell all that property and adopt these salaries, and return the funds to the state.

Adjourned to November 16, at 11 o'clock A. M.

METROPOLITAN HOTEL, NEW YORK,
November 17, 1875.

The committee met, pursuant to adjournment.

Present — The Hon. GEORGE W. SCHUYLER, chairman *pro tem.*, and Messrs. ALVORD, GEDNEY, VOSBURG and WAEHNER.

The committee adjourned, subject to the call of the Chair.

NEW YORK, *November* 24, 1875.

Jacob H. Mosher, a witness, being duly sworn, testifies:

By Mr. WAEHNER:

Q. What are the sources of revenue of the health officer? A. As I understand it, entirely from fees.

Q. What are those different fees called, or from what sources do they come? A. From his services on the shipping, for the official visits to the vessels, for fumigation and vaccination.

Q. Can you state the amount of the fees received in that office for the past year or two, or approximate any thing to it? A. I cannot; I shall read your report with interest to find what they are; I have no

personal knowledge of them, it not being in my charge or having been placed in my hands to collect or estimate.

Q. Do you, in your capacity as assistant health officer, receive any fees whatever for the health officer? A. I receive, when I am on board of coasting vessels, the fee for those vessels.

Q. Those fees are duly regulated by law? A. Those are regulated by law; by the law of 1820.

Q. In your judgment, are the two boats which are now used in quarantine by the health officer and the commissioners necessary, or could the services of any one of them be dispensed with, either entirely or for a time? A. I think the work can be done better with two boats, and that emergencies may occur in which the work could not be done without it; I don't know that that answers your question.

Q. Could the work be done if the *Hopkins* were laid up, as is during the winter months, with the *Fenton*, no emergency arising, by a simple change of crews from one to the other? A. Ordinarily it could, but there are emergencies in which the time required to get the *Hopkins* ready would make her useless for imminent work, such as fire on the island.

Q. Is there any record that you know of kept of the receipts and fees of the health officer? A. I don't know of any.

Q. In relation to the constitution of the quarantine commission and the health officer, do you regard it as requisite that it should be an appellate board? A. Yes, sir.

Q. So that in case of improper decisions of the health officer an appeal might be taken? A. I think there can be no question of the necessity of such a board in such a department.

Q. Do you think the duties of health officer of this port could be — do you think the city could secure the services of a competent and proper officer at a fixed salary? A. I am not competent to judge of that, owing to my relations to the department.

Q. You, of course, have examined the laws bearing upon quarantine? A. To some extent.

Q. Are there any suggestions which you could make relative to the improvement or reformation of the laws, in the interests of the merchants or business community? A. I should be happy to make suggestions, but I could only make them so as to be of service when there was a mutual interchange of ideas, and not under the embarrassment of giving testimony under oath; I don't know that I have made my meaning evident in that, but I think that to make suggestions here would limit the ideas of the parties making the law as well as of the parties making the suggestions, which would scarcely come properly under the head of evidence.

Q. In your judgment should the laws be so amended as to conform to the practical operations of quarantine, as they have been conducted under the administration of the health officer? A. I think so.

Q. That the discretionary delays which may be imposed by any health officer, or by the commissioners of quarantine should be modified so as to conform to what it practically has been ever since the present health officer has been in office? A. I think the clause which authorizes fifty days' delay on a vessel from an infected port, and a discretionary delay afterward, gives a power which could be used very harshly for the commerce of the port, not necessarily by a corrupt man, but by a medical man who was a poor business man; that his blunders might make serious difficulty.

Q. What is the practice in relation to vaccination? A. Strictly to carry out the law, which is that where small-pox is on a vessel, one or more cases, all who have insufficient evidence of vaccination shall be vaccinated before the vessel passes quarantine.

Q. And those persons who have sufficient marks of recent vaccination are allowed to go without vaccination? A. Allowed to go without vaccination, yes, sir; this has worked successfully in protecting the localities from the spread of disease that comes in from the ships.

Q. Will you detail the history of the proceedings with relation to the determination between the states of New Jersey and New York in relation to quarantine? A. I have never been consulted about that.

Q. I thought you had some particular information in relation to that matter? A. I have never been consulted and I am not aware that I have any facts further than I remember to have looked up transactions regarding it, as a matter of general information, from the books, from the law books; I have never officially had the matter brought before me at all.

Q. The boundaries are now established beyond all question? A. I can tell you that if you desire it; that the boundaries were established by a convention in 1834 between the state of New York and New Jersey, each appointing four commissioners, who concurred upon a division line of quarantine jurisdiction distinct from the line of geographical jurisdiction, which was to be binding upon the two states when ratified by their two legislatures and by congress, and which was, word for word, ratified by the two legislatures and by congress, and stands in the statute books as a statute in the three; I am not aware of any other questions of jurisdiction, and this only from reading.

Q. This recent commission established in relation to those matters is entirely superfluous? A. As I find in the same reading this latter commission was established upon the complaint of the state of New

Jersey, whose statesmen did not know what laws they had on their own books.

Q. That is the only reason the commission was ever instituted? A. I know nothing further of it.

Q. For what purpose is the *Fenton* used? A. For boarding and carrying the sick.

Q. Is she used exclusively for those purposes? A. Yes, sir.

Q. Is there any additional charge for boarding? A. There is.

Q. What is that additional charge? A. Eight dollars.

Q. You don't do all the boarding yourself? A. No, sir.

Q. Who besides you does the boarding? A. Dr. Thompson, who is also deputy health officer.

Q. Are the fees collected by you on boarding, or when? A. No, sir; the fees of coasting vessels are collected by me when I board.

Q. And the fees of foreign vessels? A. The fees of foreign vessels are paid in town; I think at the custom-house.

Q. Is the *Fenton* used for the purpose of collecting news from the vessels? I collect the ship news when I board, whether I row off or go off on the *Fenton*, or any other way; if I went off on a tug that happened to be in the dock, I would collect the ship news.

Q. Is the *Fenton* used for the purpose of collecting ship news, and are there any of the fees paid to the health officer for the services thus rendered in collecting ship news? A. I have never known the *Fenton* to leave the dock for the purpose of collecting ship news.

Q. Are there any fees collected for the carrying of ship news after she has left the dock for boarding? A. Not that I am aware of; if so, it is not by any arrangement with me; I have never received a cent.

Q. You have never collected and don't know of any fees being paid? A. I have no fact in connection with that which I could state as evidence.

Q. Do you know whether the *Fenton* is used at any time in the collecting of ship news when not boarding vessels? A. I know she is not; I know still further — since I have been drawn into this — that during all the years that I have been connected with quarantine there have been marine reporters going and coming on the *Fenton*, who are collecting news for all the papers in New York; on days when it is too rough for them to use small boats, or when in the course of boarding she went so far from the dock that the marine reporters could not catch the vessels; during five years I don't think she has worn out one ounce of iron or coal in carrying news.

Wm. L. B. Stears, recalled, made the following statement:

ENCROACHMENTS OF THE HEALTH OFFICER.

During the winter of 1872 there was presented to the legislature a new quarantine act, prepared under the direction of a joint committee appointed by the chamber of commerce of the state of New York, the New York produce exchange, the importers and grocers' board of trade, the Shipowners' Association and the vessels-owners and captains' co-operative association. The report of this joint committee, with a draft of the quarantine law accompanying the same, was submitted to the chamber of commerce, February 1, 1872, and unanimously accepted and adopted, and it was ordered that the report be printed and a copy be sent to each member of the legislature. This was done. The present health officer, however, took the ground that, inasmuch as he had just been appointed, any new quarantine legislation at that time would be manifestly unjust to him. After he had been in the position sufficiently long to ascertain the real reforms required, he would frame an act to meet them. Legislation on quarantine stopped that winter, or was, *rather, defeated.*

In the following winter the health officer appeared at Albany with his bill. It was entitled, "An act establishing a quarantine," etc. It was in effect an act conferring upon the health officer exclusively the powers in quarantine matters theretofore exercised by the proper state officer. This will readily be seen from the accompanying copy of the act. We will merely point out a few among the changes proposed in the present quarantine law by this bill:

§ 11. Striking out the words *quarantine commissioners.*

§ 7. Striking out the words *subject to the direction* of the commissioners of *quarantine.* Taking the control of the Dix or Swinburne Island Hospital from the commissioners of quarantine.

§ 24. Striking out the words "and cholera patients shall be provided for by the commissioners of quarantine in such a manner as they may determine and occasion shall demand."

§ 26. Striking out the words "as the *commissioners of quarantine may determine.*"

§ 27–3. Striking out "and to report the facts and his (the health officer's) conclusions, and especially to report the number of persons sick, and the nature of the disease with which they are afflicted, to the quarantine commissioners."

§ 41. Substituting the health officer for "the commissioners of quarantine," thereby taking from the latter the custody of the quarantine establishment and giving it to the former.

§ 9. To be so altered that the health officer should have absolute control over vessels and cargoes arriving at the port of New York.

§ 9–2. Striking out the words *"and the quarantine commissioners may prescribe."*

§ 9-3. Striking out "and the quarantine commissioners shall prescribe."

§ 10. Striking out "by the quarantine commissioners."

§ 36. Striking out "or the commissioners of quarantine."

This bill, which would have afforded a most signal illustration of the "one-man power" by concentrating in one individual all the quarantine functions of New York Harbor, was introduced in the senate and referred to the committee of commerce and navigation. About the same time the annual appropriation bill appeared from the assembly committee on ways and means with the clause providing for the salaries of the commissioners of quarantine omitted. The latter clause was subsequently restored by the assembly committee, and the health officer's bill was pushed no further. It is reported and believed that this same bill, modified, perhaps, in some features, is to be revived this winter, and that the same individual who obtained the mercantile "indorsements" for the act three years ago is again circulating, or about to circulate, the paper. Indeed, this person has already testified before your committee that he was engaged with Dr. Vanderpoel in the preparation of a bill to be presented to the legislature.

The construction board for the building and completion of the "permanent quarantine establishment" consisted of the commissioners of quarantine and the mayors of New York and Brooklyn. When, after ascending to the senate, the appropriation bill emerged from the finance committee, of which Mr. D. P. Wood was chairman, it contained a new section, wiping out this board and conferring all of its powers *upon the health officer*. I reproduce the section:

"And from and after the passage of this act, the board of commissioners constituted by ch. 751 of the laws of 1866 is hereby abolished, and the powers and duties of said board are hereby devolved upon the health officer of the port of New York, and hereafter no moneys appropriated for the completion of the quarantine establishment, shall be used for the payment of any salary or the compensation of any officer, but shall be devoted *exclusively to the purpose for which it is appropriated, etc.*"

Owing to the ambiguous wording, the sweeping intent and purpose of Mr. Wood's section were not discovered until too late to frustrate them, and the new health officer became the old construction board.

The balance of funds previously appropriated to the latter, amounting to between one hundred and two hundred thousand dollars, was turned over to him. It will be observed that the section, making the transfer of powers, expressly asserts that these funds shall be used for no other purpose.

I would respectfully suggest that the committee ascertain whether this legislative injunction has been adhered to or whether any of the funds have been diverted, either to the completion of the residences at Clifton, or the furnishing of the steamer *N. K. Hopkins*. I am specially interested in ascertaining this inasmuch as Mr. Wood supplanted the old board ostensibly that the funds should be honestly and economically expended.

When a few weeks later the annual supply bill passed the assembly, it contained a section designating the governor of the state, the commissioners of quarantine and the health officer as a board to complete the new quarantine "boarding station." When the bill came from Mr. Wood's committee, the health officer was *substituted* for this board.

The assembly supply bill appropriated $15,000 to the commissioners of quarantine, for keeping in order the then leased portion of the quarantine establishment. Mr. Wood substituted the health officer's name. The assembly supply bill appropriated $60,000 to the commissioners of quarantine for the care and maintenance of the establishment. The bill, as amended in the senate, not only made this appropriation direct to the health officer, but empowered him to supervise the office expenses of the commissioners. These and other similar changes, which were sought to be effected through the senate, did not meet the views of the assembly and failed. Then Mr. D. P. Wood made a most determined effort to overthrow the quarantine board in a conference committee of both houses. He was however thwarted.

April 21 of the same year (1873) Mr. Wood introduced a bill into the senate entitled "An act for the relief of the warehousing and dock company for quarantine and other purposes." It was referred to the committee on commerce and navigation, and by that committee killed. Imagine the surprise occasioned when, after the adjournment of the legislature, this dead bill reappeared, or rather the substance sandwiched in among Mr. D. P. Wood's supply bill. During the sessions of 1874 and 1875 Mr. Wood superintended quarantine legislation at Albany, terminating his labors in that line by his remarkable but unsuccessful attempt to substitute, as usual, in the supply bill, the name of the health officer for the entire 11 trustees of the Seamen's Retreat.

In reviewing these aggressive movements of the health officer at Albany, it is perhaps but justice to him to say that he has carried out the policy of his predecessor, who, through clauses in the supply bill,

deprived our predecessors of many of their powers, and was thereby enabled to inaugurate the "organized monopolies" which, in 1871, became a terror to our shipping interests. It should be borne in mind that these hostile legislative movements at Albany, in 1873, were directed against a newly appointed board of commissioners of quarantine, two of whom had been confirmed with great unanimity by the senate, and one of whom had been the recipient of engrossed resolutions upon two different occasions from the Shipowners' Association of New York, thanking him for "the services rendered the commercial interests of New York in his efforts to reform the manifold and grave abuses which have so long existed."

We have alluded briefly to these movements to demonstrate to the committee how impelling and chronic has been the desire of health officers to take to themselves the restraining functions and power of the commissioners, a desire which receives, as in the present instance, fresh impetus from every restraint incurred.

Revenues of the Health Officer.

From such estimates as are at hand, I compute that the revenues over and above all expenses now accruing to the health officers are fully equal to the amount heretofore appropriated by the legislature. With a view to ascertaining the correctness of my estimate and thus the feasibility of the commissioners' proposition to make quarantine self-sustaining with the fees, I would respectfully request that the health officer, his deputies, the superintendent who collects and the shipowners and merchants who pay the bills, together with the employees who perform the fumigation and other labors for which the health officer receives the remuneration, be summoned before the committee and questioned regarding the same. I respectfully suggest that their testimony can determine whether these estimates are under or above the real figures.

In 1871, as appears from the report of the United States government, there was collected and paid to the health officer of this port, as fees upon foreign vessels, $34,217.27; the fees for vaccination this year and last year, have been small; the then health officer, in his report for 1871, however, shows that they amounted that year to over $18,000; during 1872 and 1873, vaccination was also very productive; this can, however, be determined.

My estimate for fumigation is based upon the fact that the Inman, National, White Star, Glasgow, Bremen, Hamburg, and two Cuban steamship lines, regularly pay the health officer $50 for the fumigation of their steamers; the Cunard, National, French, Antwerp, and State lines, also pay $50 for each fumigation of their steamers; in addition to this large weekly stipend, there are the

revenues for fumigating ships, brigs, barques, and schooners, all of which can easily be determined.

Theodore Walzer, M. D., connected with quarantine for 13 years, being first assistant physician to the quarantine hospital from 1853 to 1858, and from 1858 to 1866, deputy health officer, gave some interesting testimony regarding the cost of fumigation, before a legislative committee in 1872; we extract from his testimony:

"Q. What would you do if you were health officer? A. I would have a competent deputy, and live in the city of New York.

Q. What is a fair price for vaccination? A. Under Dr. Gunn it was from five to ten cents.

Q. What the ordinary cost of fumigating a vessel? A. It may be done for from 10 to 15 cents; it depends altogether upon what you pay for it.

Q. How many men does it take? A. One man can fumigate 50 vessels.

Q. At an expense of ten cents a day? A. Yes, sir; it is done by a mixture of salt, black oxide of manganese and sulphuric acid; it costs about two cents a pound; that is moistened with water, and then put into each plate, or any thing that we have got to do it with.

The reports that the health officer is using the quarantine boat *Trenton* in the collection of shipping intelligence for New York parties, for which he receives $95 per week, have come to us in such a shape recently, that we are disposed to credit them. We may observe right here that should such be the case — and we trust the committee will ascertain the truth in the matter — the health officer has been appropriating to his own use, the outside earnings from this boat, while the commissioners have been turning the earnings of the other boat, the *N. P. Hopkins*, into the maintenance fund."

By Mr. WAEHNER:

Q. Can you give to the committee any information as to the parties who could give that information? A. The agent of the marine society press at the foot of Whitehall street.

Q. What is his name? A. W. O. Lewis, agent for the marine society press at the foot of Whitehall street, at the union telegraph office.

Witness proceeds with the reading of the paper prepared by him, as follows:

THE "NELSON K. HOPKINS."

In his annual report to the commissioners of quarantine for the year

1873, the present health officer urgently recommended a state appropriation for the building of the steamer named the *Nelson K. Hopkins*. He said [page 25] "With the constantly increasing steam marine coming to this port, dispatch in the operations of quarantine is a vital necessity. If vessels arrive with sick they must be promptly removed, for no impediment to the commerce of the port must be unnecessarily interposed by this department; besides the workings of quarantine extend from Blackwell's Island in the East river to the ships *Illinois* and *Delaware* located not far from Sandy Hook. The necessity for daily communication between all or most of these points, the transportation of supplies, all urge speedy action in the matter."

January 15, 1873, a bill was introduced into the state senate, and, passing both houses, became a law which provided for the building of the boat in question under the direction of the health officer of the port of New York. After the boat was so built and completed by him, the health officer said in his report to the commissioners for 1874 [page 14] "The distance between the different parts of the establishment [quarantine], the carrying of supplies, the transportation of the sick, the necessity for the prompt removal of refractory vessels involves the necessity of a steamboat competent to perform these different and varied duties, and also allows the state to be represented on the waters of the chief part of the country for the tours of inspection of state and legislative officials, which are necessary for the several charitable institutions located in difierent parts of the bay. All this is readily and easily performed by the new steamboat *Nelson K. Hopkins.*"

If, as the health officer now testifies before the committee, this boat is not necessary, why is the discovery made at so late a day — two years after the construction was undertaken? Are not his new views due to the fact that the commissioners have, during the past season, assumed the more immediate control of the *Hopkins?* We may observe here that the commissioners have all along held to the opinion that a smaller boat would have answered every purpose.

I hold now in my hand a statement submitted by Mr. Waehner from Dr. Vanderpoel, of what he considered necessary to cover the working expenses of quarantine.

BOARDING STATION.

Repairs to docks, residences, boat-house and sea-wall	$2,000
Supply of fresh water to boats and maintaining machinery in order	1,200

STEAMER HOPKINS.

Boat-keeper and engineer to attend engine for supplying boats with water	$1,200
Repairs and painting	3,000

STEAMER FENTON.

Repairs	2,500
Police	4,000

DIX ISLAND.

Superintendent	2,032
Engineer	1,200
Repairs to riprap, building, crib-work, dock, steam apparatus, plumbing, painting, glazing, roofing, cisterns and earth filling	10,000

HOFFMAN ISLAND.

Keeper	1,000
Repairs to roof, glass, steam apparatus, gas, crib-work and dock	6,000

MISCELLANEOUS.

Docking and moving *Illinois*	650
Keeper	720
Repairs	1,000
Coal and water	100
	$36,602

By the above estimate it will be seen that the health officer makes provision for but five employees, viz.: a boat keeper and engineer on the *Hopkins* to attend the engine for supplying boats with water; a superintendent and engineer for Dix Island; a keeper on Hoffman Island and a ship keeper of the *Illinois*. He proposes to pay them the aggregate sum of $6,152 a year, or about $500 a month. Can the quarantine establishment be run with the assistance of five employees only? It has never been done, and never will.

The pay-roll shows during the quarantine season of 1874, from May 1 to November 1, that 32 persons were engaged, at a cost to the state of $2,600 a month, and from November 1, 1874, to May 1, 1875, 21 persons, at about $740 a month, or the yearly sum of $26,076.59. These pay-rolls were certified to and marked cor-

rect by the health officer. The power of engaging employees rests solely with him, and it is but fair to suppose that he felt that for the proper administration of quarantine such assistants were needed.

It appears from the face of the health officer's statement that he proposes to dispense with the services of boatmen on the *Hopkins* and at Dix Island; nurses, cook and laundress at the hospitals, and physician or boarding-officer; boatmen and cook on the *Illinois* during the six months when she is required as a floating boarding station. The cost for repairs for the year ending November 1st, 1875, was less than $7,000. The health officer asks for $24,500 for repairs for 1876. We don't propose that the repairs shall exceed the repairs of last year."

Q. Is there any other statement you would like to make? A. Not at present; no, sir.

Adjourned, subject to the call of the chair.

STATE OF NEW YORK.

No. 34.

IN ASSEMBLY,

January 28, 1876.

REPORT

OF THE MINORITY OF THE COMMITTEE OF INVESTIGATION INTO THE AFFAIRS OF THE COMMISSIONERS OF EMIGRATION AND QUARANTINE.

To the Honorable, the Assembly of New York:

I concur in the report by the majority of the committee, except in the particulars, specified in the following dissent:

I cannot agree with the report of the majority of the committee, or with the conclusions arrived at by them, on the following-named points, which I beg leave to state briefly.

I am fully persuaded that the original state law, creating the quarantine commission, is a very proper enactment, and that such commissioners should have restored to them all the powers that have since been taken from them; and in addition thereto, possess the power to appoint two assistants or deputies to the health officer and the employés, and to fix their salaries and compensation, also to fix the salary of the health officer.

And the fees and emoluments now collected by the health officer (or his subordinates) and by him retained, should be collected and immediately paid over to the treasurer of the quarantine commission, and then by order of the board be disbursed by such treasurer for all the expenses connected with the quarantine establishment.

If at the end of any year there should be a surplus of funds in the

hands of the treasurer after all the expenditures for care and maintenance are paid — said surplus shall be applied to repairs of the islands, buildings, and making such improvements as may be required from time to time.

From the evidence obtained I have not been able to arrive at a very accurate conclusion as to the gross amount of the fees and emoluments collected by the health officer in any one year. But I am forced to the conclusion that they have approximated very near to it if not exceeded $100,000.

At all events the sum has been large enough, if economically expended, by the commissioners to pay the health officer, his assistants and all their employés a fair and just compensation for the services rendered, and to keep the property of the state, such as lands, buildings, boats, etc., in good repair.

The evidence of the three commissioners went to show that the fees and emoluments had been, and, no doubt, will continue to be equal to all the necessary expenditure, so that no further appropriations for that purpose need be made by the legislature.

It may be objected that the legislature has not the power to authorize the collection of moneys or fees, or in other words to levy a tax on commerce. It is a sufficient answer to say, if the state has, and does exercise the power to appoint a health officer to collect fees, after such fees have been in part fixed by the state, most assuredly the state has the power to say what other disposition shall be made of them, except that they may not be placed to the credit of the state, or in the state treasurer.

I do not concur in the report of the majority of the committee in their recommendation to create an appellate board, composed of the president of the chamber of commerce, the president of board of health and the president of the Shipowners Association, all of the city of New York. Severally they are gentlemen of the highest integrity, and no doubt will continue to be such, but it will be an unwieldly board, not on account of its numbers, but on account of diverse interests, and matters affecting quarantine could not have the immediate and necessary attention and determination they would demand.

Whereas, on the other hand, the commission, as at present organized by law, hold their sessions daily, and can immediately consider and determine all matters affecting quarantine.

And I further recommend that the commissioners of quarantine be required to annually make a detailed statement to the legislature of the receipts and expenditures of the department, and that all quarantine officials be prohibited from having pecuniary interest in lighterage, stevedoring, or from receiving any revenue, or fees or pay whatever, beyond that fixed by the proper authority.

In relation to the emigration commission, I recommend that no reduction be made in the number composing it, from that now established by law, as appointed by the governor, by and with the advice and consent of the senate.

I also recommend the repeal of the law which constitutes the presidents of the Irish and German emigration societies, members of the emigration commission, as being unnecessary, and for the reason, among others, that they are not accountable for the proper discharge of their duties except to their several societies, that they cannot be held accountable to the state authorities for any dereliction of duties. And if it is just that they be allowed to act as commissioners, other societies may with equal justice claim to have their representatives in the board.

It is not required that a person shall be a citizen of the United States to become a member, or an officer of either of the aforesaid emigrant societies, and the election of such an one to the presidency constitutes him a commissioner of emigration, and in a certain sense an officer of the state.

I do not think it sound policy to contend for or to advocate such a principle.

No nationality as such should have a representation in the board as commissioner, but all with much propriety, singly or jointly may with profit act as advisers or as an advisory board, and may employ agents to look after the interests of their country people on their arrival at Castle Garden. I also recommend the repeal of the law, which constitutes the mayor of the city of New York, a member of the emigration commission. It is hardly to be supposed that he can devote the time required for a full and faithful discharge of his duties, as such commissioner, and at the same time to give that attention necessarily, devolving upon him to the onerous and multitudinous official duties connected with his position as mayor of said city.

But if in the wisdom of the legislature, the presidents of the aforesaid emigrant societies are to be retained commissioners as at present, then they should be citizens, and be required to take and subscribe to the same oath of office, as do those appointed by the governor and senate.

I heartily concur with the majority report in advocating an increase of the head or commutation "money" to two and a half dollars, and, that fifty cents of such increase be set apart for a sinking fund toward liquidating the present indebtedness of the commission.

W. H. GEDNEY.

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